

LaMiles Hill

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

SOLOMAN OLUDAMISI AJIBADE and)
ADENIKE HANNAH AJIBADE, as)
natural parents of Mathew)
Ajibade, and THE ESTATE OF)
MATHEW AJIBADE and CHRIS)
OLADAPO, its Executor,)
)
Plaintiffs,)
)
vs.) CIVIL ACTION NO.
)
JOHN WILCHER, in his official) 4:16-CV-82-WTM-GRS
capacity as Chatham County)
Sheriff, et al.,)
)
Defendants.)
)

DEPOSITION OF

LAMILES HILL

January 18, 2017

9:22 a.m.

Chatham County Attorney's Office
124 Bull Street
Savannah, Georgia

Annette Pacheco, RPR, RMR, CCR-B-2153

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25 - - -

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17

18 (Original Exhibits 1 through 5, 11C, 13, 97,
J1-A and J3 have been attached to the original
transcript.)

19

20

21

22 EXAMINATION

23 by Mr. Cash 4

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1 (Reporter disclosure made pursuant to
2 Article 10.B. of the Rules and Regulations of the
3 Board of Court Reporting of the Judicial Council of
4 Georgia.)

5 LAMILES HILL,
6 having been first duly sworn, was examined and
7 testified as follows:

8 EXAMINATION

9 BY MR. CASH:

10 Q. All right. You're LaMiles Hill?

11 A. Yes.

12 Q. Would you prefer to be called Captain Hill
13 or Mr. Hill?

14 A. Whatever. Whatever's comfortable with
15 you.

16 Q. How about I call you Captain?

17 A. Okay.

18 Q. Okay. I understand that you're currently
19 employed with the Chatham County Sheriff; is that
20 right?

21 A. Yes.

22 Q. And you hold the rank of captain?

23 A. Yes.

24 Q. And you were employed on January 1st and
25 2nd of 2015?

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1 A. Yes.

2 Q. And those were the days that Mathew
3 Ajibade was in the CCSO? The jail, rather?

4 A. Yes.

5 Q. And you're familiar generally with the
6 case involving Mr. Ajibade, including the events that
7 led up to his death?

8 A. Yes.

9 Q. And you're familiar that he walked into
10 the jail alive and died in one of those cells?

11 A. Yes.

12 Q. Did you have any interactions with
13 Mr. Ajibade during the time that he was present?

14 A. No.

15 Q. But you're familiar with the fact that
16 there are several other deputies who were involved
17 and you've reviewed some of the videos showing their
18 actions on that date?

19 A. Yes.

20 Q. What other involvement did you have with
21 Mr. Ajibade or the case surrounding the events that
22 occurred there?

23 A. Other than pulling a video from the --
24 downloading a video, I didn't have any other
25 involvement with them. But I was called to give

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1 testimony in the Kenny case, in the actual criminal
2 case. And it was basically in reference to some of
3 the training that they receive, which I wasn't there
4 with them, in Florida.

5 Q. Right.

6 A. So with the US C-SOG. So that was pretty
7 much it.

8 Q. And you did talk to internal affairs on
9 this case, too; right? You gave a statement to --

10 A. Yes.

11 Q. -- Nicole Meyers and Warren Blanton?

12 A. Oh, yes. It was about the training. We
13 were going to internal affairs. I discussed the
14 training in Florida that I went to because I did not
15 go to the same exact one that Kenny went to. So I
16 gave my accounts from the training that I went to,
17 yes.

18 Q. Okay. Have you ever given any deposition
19 testimony before?

20 A. I think so, but I don't think -- I'm not
21 sure here with the county. I can't remember. I
22 can't remember here with the county. I know I've
23 done it years ago in another civil matter. Not here
24 with the county. I'm not sure if I've done it with
25 the county or not, but I know I've done it in the

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1 past with a civil matter.

2 Q. Was it a domestic relations case? Divorce
3 case?

4 A. No. It was a -- it was a case where a
5 woman got killed during a robbery out there at the
6 Wal-Mart on 17 before I even got into law
7 enforcement.

8 Q. Okay.

9 A. Yeah. Her attorney -- I mean, the
10 family's attorney or Wal-Mart's attorney, I did a
11 deposition with them.

12 Q. Okay. Other than that, that's the only
13 time you think you've given a deposition?

14 A. I can't be sure, but that's the only one
15 that comes into mind in a setup sort of like this
16 right here.

17 Q. Right. You've given trial testimony
18 before obviously?

19 A. Right.

20 Q. How many times would you say?

21 A. One.

22 Q. Okay. Never testified at a criminal trial
23 for anybody else?

24 A. No.

25 Q. Okay. Well, I understand that you had --

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1 I hope you had a chance to meet with the county's
2 attorney and just go over the rules of the road for
3 depositions.

4 A. Uh-huh.

5 Q. But if you didn't, I'd just like to give
6 you a couple pointers.

7 A. Okay.

8 Q. The most important thing from my
9 perspective, and I would think from your perspective,
10 is that we communicate clearly in both directions.

11 A. Uh-huh.

12 Q. And the way this works is I ask a
13 question. Some of these lawyers down at the table or
14 on the phone may want to object to that question.

15 A. Okay.

16 Q. And then after they object, generally go
17 ahead and give an answer unless we make it obvious
18 not to answer. But they'd appreciate it if you'd
19 give them a second or two to make an objection before
20 you give an answer.

21 A. Okay.

22 Q. Our court reporter has already graciously
23 corrected us once not to step on each other's toes
24 when we talk. I'm terrible at that and I will try to
25 do my best to make clear when I'm done with the

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1 question and try not to interrupt you either.

2 A. Okay.

3 Q. If I ask you any question that is
4 ambiguous or that doesn't make sense or that you
5 don't understand, I would appreciate it if you would
6 just tell me that you don't understand my question.

7 A. Okay.

8 Q. It's probably my fault and I'll be glad to
9 rephrase that question.

10 Could we agree that if you go ahead and
11 answer a question and you didn't ask me to clarify
12 it, that you understood that question?

13 A. Yes.

14 Q. Okay. All right. We can also take breaks
15 any time you want. I hope to be done by 12:30.

16 A. Okay.

17 Q. I think that would be generous, but, you
18 know, that's a long time. We're not going to do this
19 in one stretch, for sure. So I want to make sure you
20 get breaks and get a chance to collect yourself.

21 A. Okay.

22 Q. It's not a marathon or a pressure test.

23 A. All right.

24 Q. Okay. I want you to know I've been given
25 some documents from the county that are supposed to

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1 constitute your personnel record.

2 A. Okay.

3 Q. And I just wanted to mark this one and
4 have you take a look at it and see if this looks like
5 your personnel file.

6 A. Okay.

7 Q. So I will make this Exhibit Hill 1?

8 A. Okay.

9 (Plaintiff's Exhibit 1 was marked for
10 identification.)

11 Q. (By Mr. Cash) And that's a lot to read,
12 but if you'll just flip through it.

13 A. Uh-huh.

14 Q. Let me know if this is what you think is
15 your personnel file. I will tell you that this does
16 not include all the training records that I was
17 provided.

18 A. Okay.

19 Q. Okay.

20 A. I need to initial this?

21 Q. No. No.

22 A. Oh, oh. Okay.

23 Q. You can just say, yeah, that looks like my
24 personnel file.

25 A. Yes, this looks like my personnel file.

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1 Q. Okay. And I'll tell you I read every page
2 of that and your training records and it appears that
3 you have an excellent record with the sheriff, which
4 is to be commended.

5 One thing I wanted to ask and I didn't see
6 it in there is if you'd ever been disciplined for any
7 reason while you're in the employ of the sheriff?

8 A. Not to my knowledge. Not to my, you know,
9 in my memory, no.

10 Q. Okay. And I'm not drawing for --

11 A. I mean, what I'm saying is like nothing,
12 you know, where something was written or something
13 like that. Maybe a supervisor, hey, you need to do
14 this different or something like that, but nothing
15 that I can think of that was a written document.

16 Q. Okay. You're saying there's no formal
17 written disciplinary action that you can remember.
18 Can you think of any formal unwritten disciplinary
19 action you've sustained?

20 A. No.

21 Q. Okay. All right. That's fine. And
22 that's good to hear.

23 A. Okay.

24 Q. So from reading your record, I wanted to
25 make a little sketch of your biography partly for the

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1 record here.

2 A. Okay.

3 Q. As I understand it, you graduated from
4 Savannah High School in 1995; is that right?

5 A. Yes.

6 Q. And it looks like you completed a year of
7 college?

8 A. A little -- yeah, around a year. The
9 first year, yeah.

10 Q. All right. I understand you were in the
11 Army from 1998 to 2002 when you completed with the
12 rank of sergeant?

13 A. Yes.

14 Q. You started with the sheriff about March
15 2004?

16 A. Yes.

17 Q. What led you to want to join the sheriff's
18 office?

19 A. Just looking for a job.

20 Q. All right. Do you get any particular
21 rewards out of being part of the office? Any
22 personal satisfaction or is there any motivating
23 factor why you picked this job versus something else?

24 A. At the time, no. I was just looking to
25 get into a career. And that was it. Something -- a

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1 career.

2 Q. All right. I read that you got promoted
3 to corporal in 2008?

4 A. Yes.

5 Q. Is that right?

6 A. Was it 2008 or '09? Somewhere in that
7 time frame, yes.

8 Q. All right.

9 A. It was '08, 2008.

10 Q. Okay. You were the February 2010
11 corrections officer of the month?

12 A. Unit 2? Was I Unit 2 at the time? You're
13 going back quite awhile.

14 Q. Fair enough.

15 A. Yeah. Fair.

16 Q. Okay.

17 A. Yes. I know I was corrections officer of
18 the month one time before, yes.

19 Q. Okay. I saw you were promoted to sergeant
20 in 2012 and lieutenant in August of 2014?

21 A. Yes.

22 Q. And that's the rank you held during the
23 Mathew Ajibade incident; is that right?

24 A. Which one?

25 Q. Lieutenant.

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1 A. Yeah. It was either sergeant or
2 lieutenant. I can't -- I can't quite remember where
3 I was at as far as my position at the time. But it's
4 between one of those two, I know.

5 Q. Okay. Lieutenant's higher than sergeant;
6 right? And I'm not -- I think it is. Okay. I don't
7 know my ranks that well myself.

8 A. Yeah.

9 Q. So let me ask you -- let me stop this
10 timeline here. At the time that Mr. Ajibade was in
11 the facility January 2015, what were your duties at
12 that time?

13 A. Wow. At that time, '15, that time frame,
14 I was either -- I was either between -- there's only
15 two spots I would have been between. That was either
16 in the intel -- well, not really. At that time it
17 wasn't the intel area, or housing Unit 4 supervisor,
18 I want to say. It was between one of those two
19 because I was either the sergeant or the lieutenant.
20 It's been such a long time, I can't quite -- at that
21 time frame, it's between one of those two areas.
22 That's the only place I've been during that time
23 frame that I can remember.

24 Q. Could you expand that for me. If you were
25 the lieutenant at that time --

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1 A. If I was a lieutenant at that time over
2 housing Unit 4, I would have been the unit manager of
3 housing Unit 4. Now, if I was in the intel section,
4 I would have been over -- like I was doing the
5 downloading the videos and getting that information
6 and everything and providing that information the to
7 security captain while in transition waiting for my
8 assignment to -- as a unit manager to another area.

9 Q. Okay.

10 A. So it was somewhere in that, you know what
11 I mean? I'm going back January 2015. It's between
12 those two -- those two areas where I was actually --
13 my duties were.

14 Q. Okay. First you said you were the unit
15 manager of housing Unit 4 at one point.

16 A. That be would the lieutenant side.

17 Q. Okay.

18 A. That was where I went at after that
19 incident. That's the lieutenant side.

20 Q. Well, tell me about that. What does that
21 mean to be the unit manager?

22 A. Unit manager of Unit 4 would mean I would
23 have oversaw the supervision of the staff as well as
24 the inmates in the housing unit area, which at the
25 time would have put Unit 4 as the mental health dorm

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1 area. That's where I would have been supervising
2 somewhere between 25 and 30 staff. Well, yeah, 20,
3 30 staff members and probably between a hundred and
4 maybe 60 -- about 150, maybe 200 inmates at the time.

5 Q. Would every one of those inmates be
6 classified with mental health?

7 A. No. No. We would have had one full dorm
8 of up to 56 mental health inmates. Then another dorm
9 of about maybe 50 stepdown, not as severe mental
10 health inmates. Then two dorms of general population
11 inmates.

12 Q. Okay. When you say "stepdown," you're
13 describing someone somewhere between mental health
14 and general population?

15 A. Right. Right.

16 Q. Okay. And what would your day-to-day
17 tasks look like?

18 A. Day-to-day tasks would have looked like me
19 coming in and showing that I had adequate staff to
20 run the area. Then I would have handled all the
21 paperwork as far as reviewing incident reports, use
22 of force reports, any complaints, staff or inmate
23 grievances, making sure -- ensuring that the
24 information was dealt with, and also for any security
25 concerns or anything to the security captain, watch

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1 commander in the housing unit area, handling any
2 codes or signals that took place and transpired while
3 I was there in my unit also.

4 Q. Okay. All right. Now, the other job you
5 described was doing intel.

6 A. Right.

7 Q. Did I say that right?

8 A. Right. That was -- that was -- under
9 that, I was at the -- worked primarily under the
10 security captain. I went, reviewed cameras,
11 provided -- would download incidents, bring those
12 forward to the security captain. Also, I would have
13 had an officer under me and our job would have been
14 downloading all the cameras' incidents for them. We
15 handled the fire inspections and fire, you know, all
16 those inspections ensuring that everything was kept
17 up for fire code, for the fire marshal. Also, that
18 was pretty much -- pretty much it right now.

19 Q. Okay. And, Captain, just so I have some
20 sense of the volume here, when you were doing that
21 work, how often would you have occasion to download
22 camera videos?

23 A. Daily.

24 Q. Every day?

25 A. Daily. We were -- there was always

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1 something -- there's always something, a code or
2 signal, code or signal -- any code or signal pretty
3 much taking place in the complex, we had to download.

4 Q. Okay. And so if you were the one who
5 downloaded these videos for the Ajibade incident,
6 does that make it more likely, in your mind, that you
7 were doing the intel work or that you were the unit
8 manager?

9 A. It -- well, what happened with that, that
10 morning, it was, the minute I got to work, I need the
11 video. You know what I mean? Even if I wasn't the
12 intel or the -- it was the first person the minute I
13 walked in the door because of the magnitude of what
14 took place --

15 Q. Sure.

16 A. -- it was -- they knew I knew how to get
17 it. It was I need the video. So I was basically --
18 like I'm telling you, as soon as I walked into work,
19 they saw me, they said, hey, we need you to get this
20 video. So I was on it.

21 Q. What time did you come to work?

22 A. At work probably, back then, I would say,
23 because I normally between a 7:15, 7:25 person,
24 somewhere around that time when I walked in.

25 Q. Okay. Now, when you were told they needed

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1 the video right away, was that the same day that
2 Mr. Ajibade died?

3 A. Right. When I came in, they needed -- I
4 was told they need the video. GBI, the
5 investigators, they were already there on scene. So
6 they wanted the video for, you know, for -- as far as
7 the investigation. So I went straight to start
8 working on getting the video.

9 There was -- started download -- got in.
10 You know, first I had to research what time he came
11 in and everything and trying to find the initial when
12 he came in on the cameras and everything and start
13 right -- start getting times, time frames at first to
14 download it.

15 What initially took place was, there was
16 an initial attempt to download, like the --
17 everything in volume from the camera angles of when
18 he first came in. But because there was so much
19 going -- because there was so much down, let's put it
20 that way, trying -- and the program was having a
21 problem downloading that data with so much activity
22 going on with that program at that time, that it
23 failed like twice.

24 So found that I could download some
25 shorter -- shorter versions for the initial, for

1 people to look at, you know. So those shorter
2 versions were downloaded. And then that -- later
3 that evening when all the activity slowed down as far
4 as people were getting off work, not as many people
5 logged onto the computer or the program, the big
6 download was taking -- was done so that -- because it
7 was going to take hours for it to download. And when
8 everybody left work, that download was put into
9 activity, and it downloaded overnight, and the next
10 morning it was ready.

11 Q. Okay. So let me just recap and make sure
12 I understand.

13 A. Uh-huh.

14 Q. Mr. Ajibade died around 1:00 or 2:00 in
15 the morning on January 2nd of 2015.

16 A. Uh-huh.

17 Q. And then you came to work around seven,
18 between 7:00 and 8:00 the same day; right?

19 A. I want to say it was, yeah, because I
20 think it was, what, it was New Year's Day or New
21 Year's Eve. That was the --

22 Q. He went in on New Year's Day.

23 A. He went in on New Year's Day, which was
24 the --

25 Q. The 1st.

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1 A. The 1st?

2 Q. So he did not pass until after midnight on
3 the 2nd?

4 A. On the 2nd. So, yeah, we came back to
5 work the next day. Because the next morning, I mean,
6 it was, yeah, everybody was all over the place.

7 Q. Who told you that they needed the video?

8 A. Honestly, I can't quite remember who
9 directed -- who specifically told me to download the
10 video, but I know when I came in, the first thing was
11 "Hill, we need the video."

12 Q. Okay.

13 A. I know that. And I was sent right away to
14 go and start getting it.

15 Q. This was an oral -- I'm sorry to interrupt
16 you.

17 A. Yeah.

18 Q. This was an oral command?

19 A. An oral command; right.

20 Q. Not anything in writing?

21 A. No.

22 Q. Or like a formal request was made?

23 A. No.

24 Q. You just show up and they needed it?

25 A. Yeah.

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1 Q. And if I heard you right, you said that
2 you were able to make some smaller downloads, but
3 that you couldn't do the full download until people
4 got off the system and the day ended?

5 A. Uh-huh.

6 Q. Around about what time do you think you
7 made the longer download?

8 A. The longer download had to start after
9 4:00.

10 Q. P.M.?

11 A. P.M., yeah. The longer download had to
12 start after 4 p.m. And it had to run pretty much
13 most of the night. I don't know what time it
14 completed that night, but the next morning it was
15 ready.

16 Q. Okay.

17 A. Because it went through the issue of
18 downloading several times during the day and it
19 wouldn't work.

20 Q. Now, when you made the longer downloads
21 that afternoon into that evening, are those the
22 downloads that you worked with from there on out or
23 did you make -- did you cut those downloads down or
24 make any edits or changes to those downloads?

25 A. No.

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1 Q. All right. I'm going to show you a list
2 of the videos that I have.

3 A. Okay.

4 Q. Basically this is a printout of the videos
5 that have been produced to me. And the way I read
6 it -- and I'd love to get your interpretation on it.

7 A. Uh-huh.

8 Q. But as I read it, you have camera 116,
9 there's one cut, and then there's a separate cut from
10 that. And these are two different time frames.

11 A. Uh-huh.

12 Q. And then like with 117, I've got six
13 different videos, and each one has a different sort
14 of subset to it. So these are all from the same
15 camera, but they're not continuous in time. And I
16 can show you how that appears to me. I can show you
17 the videos, if that's what you want to look at.

18 A. The one thing I can say on this right
19 here, there's no way of me knowing if that's the
20 specific version I downloaded.

21 Q. That's what you're here to help me figure
22 out.

23 A. Right. And that's what I'm -- that's
24 where I'm going to have to -- there's no way of me
25 knowing if this was the specific actual one that --

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1 you know, because I know other people downloaded
2 after I did. So I don't know -- possibly downloaded
3 after me.

4 Q. Okay.

5 A. So I don't know.

6 Q. Well, I'm going to circle back to that in
7 one second.

8 A. Okay.

9 Q. But let me point out -- I'm going to make
10 some times up if that's okay.

11 A. Okay.

12 Q. I'm going to say this first video is like
13 7 to 9 p.m. And the next one is 10:15 to 10:25.

14 A. Uh-huh.

15 Q. And then the next one is 11:30 to
16 midnight. There are pieces, there are time pieces
17 from that same camera where that camera has been
18 chopped up in time.

19 A. Uh-huh.

20 Q. Even if you don't know if you did these
21 videos --

22 A. Uh-huh.

23 Q. -- are you the person who ever made clips
24 of the videos to cut them out, you know, cut out
25 pieces from the continuous sequence of what was in

1 the cameras?

2 A. If they were not a -- not to say cut out.
3 That's saying that, you know, you cut -- it wasn't
4 cut out. Any video initially that I did all included
5 Ajibade. You know what I mean?

6 Q. Right.

7 A. So if it was -- where he was, if those
8 videos -- that video followed him and his, you know,
9 him and his -- the whole -- his whole time right
10 there. Now, anything that was -- you want -- like
11 you're saying right here with a cut. Well, there
12 really -- this was done to get something to the GBI.
13 Any video that was -- or anything that anyone else
14 needed or wanted, it was available for them for at
15 least 21 days after the incident. Those videos --
16 every camera back there, every one of these ones
17 listed right here for 21 days afterwards, the full
18 version was available.

19 So because it was even -- even when the
20 GBI was given -- and, see, that's the only copy that
21 I know is the one that I did was the one that I gave
22 the GBI agent. So anything that they need -- I even
23 told them anything else you need, if you need more,
24 you know, you have up until at that time two days --
25 well, a day and a half hadn't went by. So they

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1 had -- well, about a day -- yeah, a day and a half
2 went by. So you've got about 19 more days to get
3 anything else you need. You know what I mean?

4 Q. Just so I clearly establish this --

5 A. Uh-huh.

6 Q. -- you're saying that the videos last 21
7 days before they get --

8 A. Looped, yes.

9 Q. -- recorded over?

10 A. Yes.

11 Q. Let me come at the cut issue another way.
12 And by saying cut, I am not intending to imply that
13 anything important was deleted or that there's
14 anything negative about making the cut. But we've
15 been advised that, you know, the volume of data
16 available is enormous, and that there are editorial
17 decisions that the person downloading the data makes
18 in order to decide which video actually is relevant
19 to the investigation.

20 Did you ever make any editorial decisions
21 about what to pull versus what not to pull?

22 A. No. Just follow his movements. That was
23 basically -- that was -- follow the inmate's
24 movements and what happened while he was there. Not
25 anything else. When they say get the video, they say

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1 get the video. They want to see everything he went
2 through while he was right there. So that's what the
3 video should show, everything that happened while he
4 was in the facility.

5 Q. Okay. When you made the downloads that
6 you made --

7 A. Uh-huh.

8 Q. -- the night of January 2nd -- this is
9 after everybody else went home. This is 4:00 at
10 night -- when you were making those downloads, were
11 you looking at the video that was available to ensure
12 that it was relevant to Mathew Ajibade or to the
13 deputies that interacted with him?

14 A. Huh-uh. Basically, what I -- basically,
15 actually, honestly and truly, when I was downloading
16 those videos, I wasn't even fully, you know, like
17 looking to see did this happen, did this happen. It
18 was, okay, time start. He gets -- here's the police
19 where they bring him in through the sallyport. Okay?
20 Start the time when the truck pulls up. All right.
21 Goes in through the sallyport. All right? That's
22 the time that he goes through the sallyport. And the
23 time right here where he's in the building right
24 there. Now he's on the wall. That camera got him
25 from that wall from here, when he moves over to this

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1 wall. You got to have the camera that, you know,
2 just like, just like with a movie, following him
3 along throughout the complex from camera to camera.

4 Q. Okay. Well, I guess I'm confused.

5 A. Okay.

6 Q. You were told when he came into the
7 facility?

8 A. Uh-huh.

9 Q. Okay.

10 A. Right.

11 Q. And you knew what he looked like when you
12 were making these downloads?

13 A. I had pulled -- no, I didn't have to pull
14 up. They already had a picture of him somewhere
15 around, not even a hard card picture. Did they have
16 a picture of him? They didn't even have a picture of
17 him. They told me what he had on, I want to say, and
18 I think some people who had already been by there
19 seen what he looked like because I didn't go back
20 there to even -- like I said, I --

21 Q. You didn't see the body?

22 A. No, I didn't even go back there to even
23 look at the body or anything like that. And so they
24 gave me a time when he supposed to have came in, I
25 want to say metro officers bringing him in. When you

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1 go to the camera, you already know what you're
2 looking for, what you seen, and then you just go from
3 there and follow on in and follow along. And that's
4 what it went from clip to clip.

5 The issue that we was having and part of
6 the reason why some of it had to be broken down was,
7 like I said with the program, the program will not
8 download, say, the -- extremely, extremely, extremely
9 long. Saying like, say, hey, from this camera right
10 here, camera 1, female holding or, hey, let's do that
11 camera for the whole 12 hours, you know what I mean,
12 plus until the next morning, that camera. So that's
13 12 hours for that one camera. Then you're talking
14 another 12 hours for the next camera. Then another
15 12 hours for the next camera.

16 That -- what would have took place would
17 have been the program would have had to sit there for
18 two, three days with no interference trying to
19 download this whole incident with that volume of
20 cameras trying to get all of the information.
21 Because just with this right here, it took the whole
22 night pretty much probably to get what it did get
23 without it not failing. Because there were several
24 attempts with trying to do it where it failed going,
25 you know, long, long, long, long.

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1 Q. Let me break that down.

2 A. Okay.

3 Q. You're saying if the requested clip to be
4 downloaded is too long, like you said 12 hours, that
5 will take too long to download off the system. And
6 so no reasonable person --

7 A. No --

8 Q. Let me reask that question.

9 A. Okay.

10 Q. And forget about this list.

11 A. Okay.

12 Q. Forget about this list for a second.

13 A. Okay.

14 Q. You're saying that if I -- all I'm saying
15 I think I heard you say is if the clip's too long,
16 it'll take too long to download it?

17 A. No, no. That's not what I'm saying.

18 Q. Okay.

19 A. What I'm saying is the program itself, the
20 program, whenever you try, if you try to download one
21 camera and this incident transpired, by that time,
22 you're talking the time and you try to get the entire
23 12 hours on that one camera, then the next camera
24 angle you get, that's another 12 hours. That's 24
25 hours. That's another -- the next camera, that's 36.

1 Another camera, that's 48.

2 Q. I'm following.

3 A. Now, and if you keep downloading each one
4 of those cameras, you would have probably been --
5 we're talking about days of video footage and you're
6 asking a computer program to try and download that
7 much video in a limited amount of time in a small
8 amount of frame if it didn't corrupt. Not say
9 corrupt, but if it didn't, say, kick it out. Because
10 like I said, previous attempts it was not letting us
11 download successfully. And so that's -- that's what
12 I'm saying if you're talking about trying to get a
13 continuous for each camera angle at that time. So
14 the only --

15 Q. If I'm hearing you right, though, to go
16 back to what I asked you.

17 A. Uh-huh.

18 Q. You're saying that if you download too
19 many clips that are too long, it will take too long
20 to download the video?

21 A. No, it's not that it won't take too long.

22 Q. Or it might crash?

23 A. It will crash.

24 Q. Okay. It won't take too long?

25 A. No, it won't take long.

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1 Q. It is possible to download all the clips
2 if you wanted to as long as it doesn't crash?

3 A. Yeah, as long as it doesn't crash. But
4 the only way you could do that, because you've got to
5 be reminded, this is an ongoing running system that
6 was supporting at least 400 cameras at the same time.
7 And you can't just stop the program to -- you know
8 what I mean? All the security cameras in the jail
9 would have had to stop and you would have had to
10 dedicate the whole program to just this download.

11 Q. Let me get you back on track here.

12 A. Okay.

13 Q. Maybe I can make this a little clearer.
14 I'm going to show you some of the videos.

15 A. Okay.

16 Q. And so this will be female holding cell
17 No. 2 with no number on that.

18 A. Okay.

19 Q. All right. I'm just showing you --

20 MS. BURNS: For the purpose of the record,
21 can you identify which one --

22 Q. (By Mr. Cash) I will. Don't worry. This
23 one starts at 11:39:59.

24 A. Okay.

25 Q. And this one runs through 11:48:39.

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1 A. Uh-huh.

2 Q. So it's 8 minutes and 40 seconds.

3 A. Right.

4 Q. Okay. That's female holding cell No. 1
5 with no suffix. Now we'll go to female holding cell
6 No. 1, suffix No. 1. It's underscore 1.

7 A. Okay.

8 Q. This clip when you open it, starts at
9 12:01:59.

10 A. Uh-huh.

11 Q. And then it runs for a different 11
12 minutes.

13 A. Uh-huh.

14 Q. Here's what I'm asking you then. Are you
15 the person who made the decision to make this clip
16 have 8 minutes and then pick up for another 11-minute
17 time later and has these different clips pick up
18 different?

19 A. I don't know if that --

20 Q. Let me finish my question.

21 A. I'm sorry, yeah.

22 Q. These clips are not continuous pieces of
23 time. And I want to know are you the person who made
24 the decision which pieces of time to capture and
25 which pieces of time not to capture?

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1 A. I'm not sure on this one because the only
2 way I could be sure is if you have this specific one
3 I gave the GBI agent.

4 Q. Okay. And so because you can't tell me
5 that the set of files I put in front of you --

6 A. Right.

7 Q. -- is the set you gave to the GBI --

8 A. Right.

9 Q. -- you can't tell me that you made this
10 set?

11 A. Right.

12 Q. Is that fair?

13 A. That's fair.

14 Q. Okay. It's possible that this set was
15 made by a different person altogether?

16 A. Yeah. It's possible.

17 Q. It's possible this is the set you gave the
18 GBI?

19 A. I'm not going to say that neither. The
20 only --

21 Q. Well, it's possible? I'm not saying it
22 is.

23 A. No. I'll say the only one that I can
24 really account for is the one that I gave that GBI
25 agent. So that I can look at it and then I can go,

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1 okay, this block, this block, this block. Because I
2 wasn't the only person who had capabilities of
3 downloading these incidents for this -- for this
4 incident. And other people downloaded, I'm pretty
5 sure, because that's part of the reason -- just to
6 give you insight -- either download or watching, that
7 was part of the reason the program was crashing
8 during the time of this incident.

9 Q. You're going to say too many people might
10 have been using it at the same time?

11 A. Right.

12 Q. Okay. I'm going to ask you about those
13 other people in a second.

14 A. Okay.

15 Q. But I want to close out this thing about
16 the clips.

17 A. Okay.

18 Q. Did you ever make clips of a set duration
19 like this?

20 A. Yeah. I had to.

21 Q. Okay. So like some of these are 11-, 20-,
22 30-minute clips?

23 A. I don't know on the one -- unless I have
24 the specific one that I had.

25 Q. Understood. Understood.

1 A. Yeah. So I can't give you that unless I
2 have the one that I specifically made. I can go
3 into -- go into that. But if I don't have the one
4 that I specifically did, then I can't, you know, give
5 you anything or something that I'm not sure that I
6 made.

7 Q. Right. I understand you can't agree with
8 this list.

9 A. Right.

10 Q. But I'm asking you did you make clips
11 along these lines of 10, 20, 30 minutes?

12 A. I can't say because I'm trying to -- I
13 can't say if they were 10, 20 without having it --
14 you know, because honestly and truly, I have -- when
15 I did it, I never even sat there and looked and
16 reviewed the whole video and everything. It was get
17 it downloaded, go through the cameras, follow him.
18 And once you follow him -- and so if there were
19 clips, if there were clips, they followed him, his
20 movements, I guess that's the best way, follow
21 Ajibade throughout the whole video.

22 Q. Well, Captain, that's the point I just
23 keep trying to get back to you over and over.

24 A. Oh, okay.

25 Q. And I can't honestly understand what

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1 you're telling me.

2 A. Okay.

3 Q. Because I think you're saying you followed
4 his movements and you wanted to download the video --

5 A. Uh-huh.

6 Q. -- that showed Ajibade.

7 A. Right.

8 Q. Which, to my mind, means you made a
9 decision about which footage to pull.

10 A. Yeah.

11 Q. But then you won't agree with me that you
12 made clips.

13 A. I see what your saying.

14 Q. So I'm confused. Did you make clips or
15 did you not make clips? And if I'm not explaining it
16 right or if you're not explaining it right, this is
17 our chance to get things straight. But when you say
18 you followed his movements and you pulled video, to
19 me that sounds like you could be the guy who made
20 these clips, and that's what I'm trying to figure
21 out.

22 A. Okay. All right. Let me make it clear
23 now.

24 Q. Okay.

25 A. Now, there's some understanding. All

1 right. With the video -- because now I can
2 understand what you're saying -- when clips were
3 made, because -- and I will say this. Just like when
4 he got out of the van in the sallyport, okay, he gets
5 out of the van in the sallyport. He comes into the
6 door of the facility. Do I sit there and gum up the
7 program with 12 hours of just looking at the
8 sallyport right there of a van and numerous cars
9 coming into the sallyport after this whole incident
10 happened. And then -- you know what I mean? And
11 knowing that I need that space to ensure that what
12 video we do get is captured, you know, we have space
13 for to get in.

14 So if that's the understanding your
15 question right there and saying, yes, in certain
16 areas, clips were made. When I say "clips," his
17 movements after he departed that area, was no longer
18 in that area, the video footage from that area was
19 not added into the video.

20 Q. Okay.

21 A. Okay?

22 Q. And when we say "was not added into the
23 video," we mean by you?

24 A. Right.

25 Q. Okay.

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1 A. I mean, not just to say it was no longer
2 any video of the -- pertinent to the actual incident.

3 Q. Okay. And the deciding factor you used in
4 deciding whether to pull video, as I understand it,
5 over and over here is if Mr. Ajibade was present in
6 that footage, then you pulled that video?

7 A. Right.

8 Q. Is it true to say that if Mr. Ajibade
9 wasn't in the video or hadn't been in the video for
10 some time, then you chose not to pull that type of
11 footage?

12 A. No. It's not safe to say because there
13 had -- there was a point where when he was in the
14 holding cell --

15 Q. Right.

16 A. -- that point right there should have been
17 the longest point of the video. Now, if -- where it
18 didn't matter because that showed when people were
19 going around and checking on him. So that's why I
20 say I don't know which version of this right here
21 that you all have or you all are referring to, that's
22 what I'm saying, compared to anything else. But --
23 yeah, okay.

24 Q. All right. If you gave the videos to
25 GBI --

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1 A. Uh-huh.

2 Q. -- what -- and I recognize it's been two
3 years.

4 A. Okay.

5 Q. What do you think I might be able to look
6 at after two years to figure out which videos you
7 gave the GBI on January 2nd, 2015?

8 A. Well, he should have --

9 Q. I'm giving you examples.

10 A. Yeah.

11 Q. Like maybe you burned it onto a DVD and
12 made a copy of it. Or maybe you put it in a file in
13 your computer and you saved it.

14 A. I can't --

15 Q. Or you made a log saying these are the
16 files that I'm giving the GBI. What, if anything,
17 could we go back to look at to sort of prove what you
18 gave the GBI?

19 A. I don't think it was DVD's. I think it
20 was more -- I think it was a large flash file.

21 Q. Okay.

22 A. If I'm not mistaken. I'm just trying to
23 remember because it was a big file. I know that.

24 Q. Okay. Would you have a log of the videos
25 that you gave to GBI?

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1 A. I thought -- I think they were keeping --
2 anything I was giving to them, they were supposed to
3 be documenting -- you know, he -- I want to say --
4 didn't he have me sign something?

5 Q. Well, if you gave them a flash drive, did
6 you keep a list of the files that were going on the
7 flash drive?

8 A. No. Because it was, like I said, it was a
9 get-it-done-type deal. Hurry up. We need this.
10 Get-it-done-type deal. So it mainly just going
11 visual just boom to boom, boom to boom. Because
12 basically the way the program works, as you are
13 putting -- as you can see how it is right here on
14 here, well, it doesn't really show it on here, but
15 when you have this camera, if you have a camera and
16 you come across, then it adds the start time, end
17 time across. Then you go to the next camera, start
18 time, end time.

19 So with a video this long, with this much
20 information, you're basically, as you're going down
21 through the program to -- your list is compiled
22 within a program.

23 Q. Okay. Did you make any clips for anybody
24 else like the sheriff or IA?

25 A. It was not the long one.

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1 Q. Okay.

2 A. Because, you know, the long one, of
3 course, the long one was overnight. So -- and the
4 GBI needed -- they were wanting and the command staff
5 wanted that information given to the GBI.

6 But like I said, and that's why I'm
7 saying, other people may have --

8 Q. I'll ask you about the other people in a
9 minute.

10 A. Okay. Okay.

11 Q. So I understand the afternoon to the
12 evening of January 2nd, you made a set of clips that
13 you gave to the GBI on flash drive?

14 A. Uh-huh.

15 Q. At any point did you make a different set
16 of clips and give them to anyone else?

17 A. I think we did shorter ones in the
18 beginning for the command staff. I'm pretty sure we
19 did shorter clips. The shorter clips showed, you
20 know, the main incident, the wall, the struggle, what
21 took place around at the cell.

22 Q. Okay.

23 A. So the short -- and actually, if I -- I
24 don't even think I had to make them. They were --
25 like I said, part of our issue was people were

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1 looking on their computers who logged in and they
2 were looking at it live -- I mean, not live, but
3 playing it back, looking at the whole incident also.
4 And that's why I said, I had to wait until the
5 evening because you had -- and there was no way to
6 track who was looking at it.

7 Q. Right.

8 A. And who was logged onto the computer on
9 the program at that time trying to see what took
10 place and everything. So that was part of the issue
11 with the download portion. So I'm not -- I know
12 command staff was looking at it -- I can tell you
13 that confidently -- and wanting information, wanting
14 information.

15 Then the next portion came with the
16 downloads. And that's what I'm saying. I don't know
17 who else was downloading during the time I was
18 downloading.

19 Q. Okay. Since we used -- I didn't plan to
20 mark this as an exhibit, but I will. I'll make it
21 Hill 2.

22 A. Okay.

23 (Plaintiff's Exhibit 2 was marked for
24 identification.)

25 Q. (By Mr. Cash) Just so everyone's clear,

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1 this is a printout of this -- it's from Microsoft
2 Windows, my personal collection of the videos that
3 were provided. And I believe these are the videos
4 that were given to me by the sheriff directly.

5 A. Okay.

6 Q. But that's what this was.

7 A. Real quick. On that one, do you have --
8 because this is all broken up, and I don't -- it
9 looks like it's out of sequence.

10 Q. Well, I'll tell you, I have one -- if
11 you're asking about this full video, I do have one
12 from the same holding cell that is extremely long,
13 and I'm curious if this is the one that you were
14 referring to. It's labeled "Full Version Code Blue."
15 It's from a different time frame. I don't know why,
16 but this version starts --

17 A. See, and that's the issue right there.
18 And I can tell you -- I want to say mine was
19 continuous.

20 Q. Let me say this one starts at 11:39.

21 A. Well, no, no, no. What I'm saying is you
22 have broken versions --

23 Q. Right.

24 A. -- all the way through.

25 Q. Yes. Most of the cameras have been cut.

1 A. Broken.

2 Q. And you don't think you made cuts within
3 the same camera?

4 A. How long -- let me see how long is that
5 one right there? That's how many minutes?

6 Q. This one is camera 117. It starts at
7 11:39 and it goes two hours and 28 minutes. So this
8 shows him going into the cell. This shows him being
9 in the cell. Right in here is where they start going
10 in. And then it shows they go and check on him here
11 at the end and then they had the code blue.

12 A. So that one is the whole time he was there
13 for two hours and --

14 Q. Two and a half hours.

15 A. Two and a half hours. And the next one is
16 how long?

17 Q. The next one on this list, like we looked
18 at this one already. This was like eight minutes.
19 Suffix, no suffix. Suffix 1 was 11 minutes. This
20 one is about 11 minutes. So these are chopped up.
21 This is not the set that you made.

22 A. No. I don't -- I don't recall. Because
23 if you got it for two hours, why would I chop it -- I
24 mean, if I could have got the two hours, I could have
25 got the -- the best way -- the best thing on that

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1 right there, if we get the video that I gave the GBI.
2 So the GBI -- so y'all don't have the version that
3 the GBI had?

4 Q. I don't know what I have. That is why
5 you're here.

6 A. Okay. You need --

7 Q. The sheriff indicated you would be the
8 person who would --

9 A. Okay. You need to get the version. For
10 me, I mean, you know, because you're asking me
11 questions about -- about it, but you don't have --
12 you're not presenting me what I know I did so that I
13 can explain why if there was that in that version I
14 did.

15 What I'm seeing now is -- what I'm saying,
16 possibly because it all should be under -- you got
17 everything divvied up on your computer right now
18 basically where they're broken down camera by camera.
19 And they're saying "Full Version Code Blue." I
20 didn't label my stuff like that. So I know --

21 Q. And I know that, you know, I didn't make
22 these cuts.

23 A. Right.

24 Q. But these are the files the way I received
25 them from the sheriff.

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1 A. Okay.

2 Q. I will say I might put the words "code
3 blue" on the file myself.

4 A. Oh, okay.

5 Q. But I did not change any of the other
6 camera names.

7 A. But that's what I'm saying. If you -- to
8 really truly answer some of the questions that you're
9 asking me, and the way -- to give you the answers,
10 you need to get the version that I gave the GBI.

11 Q. Okay.

12 A. So then I can sit here and we can -- and I
13 can explain to you, hey, this was done because of
14 this. This was done because of that.

15 Q. I understand.

16 A. If you see this, I can say this and say
17 that.

18 Q. So let me close all this out --

19 A. Okay.

20 Q. -- and move on to something else.

21 A. All right.

22 Q. There's no way or for you and me sitting
23 here right now to figure out what you gave the GBI?

24 A. Well, the GBI --

25 Q. Except asking you --

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1 A. Yes. Except through the GBI and the one
2 that he received on -- because he came back. So that
3 should have been the 3rd of January. The one that
4 should have been -- yeah. The one that he
5 received -- that they received on the 3rd of January.

6 Q. Which is how long it took to make your
7 download during the night of the 2nd?

8 A. (Nods head affirmatively.)

9 Q. Okay. But you didn't have a log or make a
10 list of what you gave the GBI on the 3rd?

11 A. What has happened is several -- just like
12 you have right here. I've seen different versions.

13 Q. Okay.

14 A. So I don't know which one. I know the one
15 I gave the GBI. You know what I mean?

16 Q. I'm with you. All right. You mentioned
17 other people have the ability to download these
18 videos.

19 A. Right. At that time, yes.

20 Q. Is Bobby Irvin one of these people?

21 A. I don't know if he was at that time or
22 not. I mean --

23 Q. What do you know about Bobby Irvin?

24 A. I know Bobby Irvin is a lieutenant over
25 the IA. At that time he was working intel over,

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1 actually over by me, over in the area where I was at.
2 He handled all the exterior investigative and
3 criminal investigative material. I handled
4 in-house --

5 Q. Okay.

6 A. -- investigative material and incidents.

7 Q. Okay. Do you have any supposition whether
8 he did or did not have involvement with the Ajibade
9 case?

10 A. Don't know.

11 Q. You just don't know one way or the other?

12 A. No, I don't know one way -- because like I
13 said, when I -- that morning, I knew nothing about it
14 until I came into work. When I got into work, it was
15 like we need this, we need that, we need this.

16 Q. All right. All right. Let me round you
17 back here.

18 A. Okay.

19 Q. I don't want to go over the same things
20 over and over again.

21 A. Okay. That's fine.

22 Q. So I can save time for everybody here.

23 A. Uh-huh.

24 Q. But who else do you know for a fact or --
25 let me start over.

1 Are you aware of anybody else who was
2 involved with downloading the videos from
3 Mr. Ajibade's incident?

4 A. I was -- at that time I was so busy in
5 there trying to figure out why, when I was initially
6 doing it, wasn't it down -- you know, why it kept
7 failing.

8 Q. Right.

9 A. And, you know, because I know the
10 importance of everybody trying to do it, and I
11 went -- I even went to the command -- I think even
12 went to -- as a matter of fact, I even went to
13 Colonel Gilbert and told him, I said, look, I'm
14 having a problem downloading it. It must be because
15 everybody's in here on this computer downloading.
16 The only way I can think -- the only thing I can
17 think of is I'm going to have to download it
18 overnight because you have so many people on it right
19 now and I don't -- there's no way to tell it who's on
20 it trying to look at it and everything else.

21 Q. And I appreciate that and I've heard that.
22 But can you give me the name of anybody that you know
23 made a download?

24 A. No way for me -- the only -- the only
25 people who possibly could do that would be our IT

1 department, and I don't know if they even have -- if
2 they can go into the program and track. And it won't
3 be able to tell you -- well, it may be able to tell
4 you who, but -- because everyone should have their
5 own log-in into it. But I don't know if it keeps a
6 file of downloads.

7 Q. Well, that is exactly where I was going
8 next.

9 A. Yeah.

10 Q. There is a log-in for the cameras, the
11 camera system?

12 A. Yes.

13 Q. I understand the system is called Endura?

14 A. Yes, Endura. Endura, yes.

15 Q. So not everybody in this facility has
16 access to Endura; is that right?

17 A. At that time, no.

18 Q. Isn't it true that there's a very good
19 security reason why the average deputy should not
20 have access to Endura?

21 A. Well, I can't -- I can't give an answer on
22 that because there are -- like I stated earlier,
23 Endura's run throughout the entire facility.

24 Q. Right.

25 A. And deputies do need the capability --

1 let's put it this way: The program runs on
2 permission. So you can say some permissions or some
3 people should be privy to some permissions. But to
4 say that everyone should be, that's too generalized
5 of a statement.

6 Q. Okay. Let me ask you this: Does every
7 person in the facility have a log-in of some kind?

8 A. Actually, they don't. They don't have a
9 personal log-in. But there are some generic log-ins.

10 Q. Like Unit 4 might be a log-in?

11 A. Uh-huh.

12 Q. Okay. And then people share these generic
13 log-ins?

14 A. Right.

15 Q. And then are some of the log-ins locked
16 down to certain areas of the facility? Is that how
17 that works?

18 A. Well, no. What happens is they are --
19 yeah, you have the generic log-ins for -- I want to
20 see how it was back then. See, there's a difference
21 because since, you know, it's been two years, things
22 have changed with that. And so I'm trying to go back
23 to the way it was back then.

24 You have some aspects, I want to say, of
25 it that was just centralized to those areas, you

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1 know, because we ended up having problems. I can't
2 give you a clear one on that one. You have to
3 actually check with IT to see what they have
4 permissions-wise set back then.

5 But I can say the download factor,
6 download factor really could have been done if a
7 person had -- I mean, if a person had another
8 person's log-in who had access, I mean, just like
9 anything, they could have downloaded from any
10 centralized area if they logged in on it. So . . .

11 Q. When you do the downloads, where do the
12 files go? Do they go to the local computer where
13 they're downloaded or do they get downloaded to some
14 other server, some central place?

15 A. A local computer or external hard drive.

16 Q. Okay. There's no like common download
17 server on a network where when you make -- when you
18 choose your downloads --

19 A. Actually, at that time --

20 Q. Let me finish, please. I'm just asking is
21 there a centralized place where when you make a
22 download, it goes to a server and then it's shared?

23 A. All right. At that time we did -- we were
24 using a -- a server.

25 Q. Okay.

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1 A. But what the issue was with videos, we
2 only could put so many videos on that server and you
3 had to pull them off.

4 Q. It would run out of space?

5 A. It would run out of space; correct. And
6 then on that server, what happened, that video was so
7 big, I think they had to put it on an external hard
8 drive.

9 Q. You mean when you say that video, you mean
10 for the Ajibade matter?

11 A. Right. And I want to say some shorter
12 clips did end up on the external -- I mean, not the
13 external, but the -- that's why I'm telling you.

14 Q. They wound up on the shared server?

15 A. Right.

16 Q. But would you say that after two years,
17 they're probably gone from there?

18 A. I don't know.

19 Q. You don't know? Okay.

20 A. Honestly, truly, I don't -- no, no, no.
21 Actually, I don't know. IT would be the people who
22 could give you that answer.

23 Q. What's the name of the server we're
24 talking about? How do you get to it?

25 A. It was either the S drive or the N drive.

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1 Q. Okay.

2 A. So we had two servers, the S or the N
3 drive. The S drive was for sensitive incidents and
4 the N drive, there was a folder in the N drive for,
5 you know, just common things that took place in the
6 complex with supervisors going in. If they had a
7 fight in the area that night, we could put that video
8 in the N drive. They come to work, they can see it.
9 They can go ahead and proceed with the inmate
10 disciplinary board because they can see what
11 transpired, what video they had to show.

12 Q. Okay. I've been apprised that there's a
13 county IT and then there's a sheriff's IT.

14 A. Uh-huh.

15 Q. So which one manages --

16 A. Sheriff's.

17 Q. Okay. Sheriff's manages the Endura
18 system?

19 A. Uh-huh.

20 Q. And manages this server or S or N drive
21 that you're talking about?

22 A. Right.

23 Q. And to be clear, you're not sure if it
24 logs when you make a download or not?

25 A. No. It would take the IT --

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1 Q. At the Sheriff's?

2 A. Yeah. Yeah.

3 Q. Okay. All right. We jumped around in the
4 plan of questions I was going to ask you. It would
5 probably be best if I could get a short break.

6 (Recess from 10:22 a.m. to 10:33 a.m.)

7 Q. (By Mr. Cash) Okay. I've got a couple
8 more general questions then about the system.

9 A. Okay.

10 Q. When were you trained on it?

11 A. I was trained on it, let's say back in
12 20 -- let's see. When did they finish? I'm thinking
13 back to when we finished the construction, new jail
14 construction. Basically I got trained on it -- it
15 was over the phone actually with the company that
16 installed it. I spoke with one of their -- we had an
17 issue where we needed to download a video from
18 something that took place in the complex, and over
19 the phone, he walked me through it. And once he
20 walked me through it, I was able to go from there
21 with it, as far as that goes.

22 Q. Do you know like what year that would have
23 been?

24 A. I'm trying to remember the incident
25 because that would definitely let me know when it

1 took place.

2 Q. Okay.

3 A. It was an incident -- it was something
4 that took place -- this took place in 2015. I was at
5 video visitation before that. It had to take place,
6 I want to say somewhere in 2012 time frame. 2012,
7 2013.

8 Q. Is when you were trained on Endura?

9 A. I want -- I'm not going to say trained.
10 I'm not going to use the word "trained." I'm going
11 to say I was given instructions on how to use the
12 program as far as getting the -- recovering video by
13 the -- matter of fact, what's his name? One of the
14 owners of the company actually out in Alabama, MTS.
15 So me and him was on the phone. I was in the IT
16 area. We needed the video. He sat there with me and
17 walked me all the way through how to do it.

18 Q. Okay. All right. I appreciate that.

19 A. Okay.

20 Q. I want to put a couple maps in front of
21 you.

22 A. Okay.

23 Q. This is a map that we have been referring
24 to in this case as J1-A, which means it's a subset of
25 J1, which is a larger picture of the facility. But

1 with J1-A, we have tried to capture the areas where
2 Mathew entered. And we've had past testimony to show
3 he came in through the sallyport here. He was placed
4 in one of these holding cells here. The scuffle
5 happened here by the prebooking area.

6 A. Uh-huh.

7 Q. He was taken through here and into the
8 female holding cell where he died. And I just wanted
9 to orient you on the map. Do you agree with this
10 being an accurate map of the facility as you know it?

11 A. Yes. This is -- I know y'all got J1-A on
12 it, but C, C building. Basically by our construction
13 photos, this is C-1.

14 Q. Okay. You know this building as C-1?

15 A. Right.

16 Q. But this is an accurate --

17 A. Yeah. Yeah. This is fairly accurate.

18 Q. The reason I showed you that is I show you
19 another exhibit called J3, which is -- I tried to put
20 a mark, this green line here, to mark where it would
21 line up with the other map.

22 A. Right.

23 Q. So unfortunately, this copy, J3, is cut
24 off to the extent it doesn't show the sallyport. It
25 doesn't show this.

1 A. Gotcha.

2 Q. Basically it's the same map. But the
3 difference with J3 is J3 has the cameras shown on it.

4 A. Right.

5 Q. Would you take a look at J3 and just tell
6 me if you think that J3 is an accurate map of the
7 facility, including where the cameras are.

8 A. It may be -- some of these cameras have
9 been moved. Not say moved, but -- yeah. Some have
10 been moved on what few angle they have from then to
11 now. So I'm going back into time when I look at this
12 to try and see.

13 Q. Okay.

14 A. And the way they were labeled was
15 different in the program. Not -- in the program, the
16 way they were labeled in the program is different now
17 than the way they were back in 2015 also. Some of
18 them the names have changed a little bit.

19 Q. Okay.

20 A. And some of the positions have changed.
21 How recent is this map?

22 Q. I don't know.

23 A. Because this looks like we had --

24 Q. Well, let me --

25 A. Yeah. This has actually -- because you

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1 don't have --

2 Q. Let me ask you this.

3 A. You got cameras there. No, I'm just
4 looking to try and --

5 Q. Definitely orient yourself. Make sure
6 you're comfortable with what you're looking at. And
7 I want to focus you in on how this would have
8 appeared in January of 2015, best you can remember.

9 A. Okay.

10 Q. Because if they've changed, if they were
11 changed last week, I don't care.

12 A. Okay.

13 Q. I'm only interested in what we could have
14 seen when Mathew was in the facility.

15 A. Okay.

16 Q. And I don't have a date for this
17 particular map. Is there anything, looking at the
18 map and comparing it with your memory how it looked
19 in January of '15, is there anything wrong with this
20 map that we should correct that you can see?

21 A. No. Other than the only other thing, like
22 I said, the camera positions, I just can't give you
23 an accurate of what they were actually aligned like
24 on here based upon where they were facing. But
25 physical, the physical layout is the same.

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1 Q. Okay.

2 MR. CASH: Jennifer, I would like to find
3 some way to link up all the cameras from the
4 clips that we've been given with the cameras on
5 the map and was wondering if this would be
6 better done off the record rather than --

7 MS. BURNS: Let's go off the record for a
8 second.

9 MR. CASH: It might just be easier. We
10 can go off the record.

11 (Discussion off the record.)

12 Q. (By Mr. Cash) Okay. So Captain Hill, did
13 we just get the chance to go off the record and mark
14 Exhibit J1-A and J3?

15 A. Yes.

16 Q. And the marks in blue are your handwriting
17 and your marks?

18 A. Yes.

19 Q. And did we go through each video that I
20 have and match the camera number from that video with
21 the handwritten blue pen that you wrote on the
22 exhibits?

23 A. Yes.

24 Q. And were a couple of the cameras that we
25 looked at pointing in a different direction?

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1 A. Yes.

2 Q. So it looks like camera 134 on the
3 printout is facing one way, but you've drawn an arrow
4 showing that it points a different way?

5 A. Yes.

6 Q. Okay. And then you added camera, it looks
7 like 138, 136, 130 and 144 because we didn't have a
8 drawing that showed those cameras?

9 A. Yes.

10 Q. Okay. What do we know, if anything, about
11 the status of the other cameras that you didn't mark?
12 So just to make it easy, I'm going to say in the area
13 of the scuffle, between 134 and 137, and on 138 on
14 the other side, these three here, are those working
15 or are they still there?

16 A. This one right here -- I don't even know
17 what number it is -- that's pointing facing back
18 towards the sergeant's desk, I guess that's the best
19 way to describe it, that picks up the view walking
20 backs -- picks up the view of actually going to the
21 sergeant's desk actually.

22 Q. Okay. And I'm going to try to --

23 A. I don't know if this camera actually is
24 still there.

25 Q. Let me put the number on the record.

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1 A. Okay.

2 Q. It's CC161G-MP. All right. Now, you're
3 not sure if that camera is still there or not?

4 A. Right. I'm not sure.

5 Q. Or was there at the time?

6 A. Yeah, there at the time, and what it was
7 actually looking at at the time. Because like I
8 said, some of these, actually, to see this that I
9 showed you, they are turned and looking at other --

10 Q. You're saying the drawing doesn't
11 necessarily match the way they were used --

12 A. Right.

13 Q. -- at the time?

14 A. Right.

15 Q. Okay.

16 A. Some of them, yes.

17 Q. All right. What about the two cameras
18 that face into these intox cells? Were they active?

19 A. Yeah. But they face -- that's not even a
20 cell. It's an opening. So they face right there
21 looking at the intox machines.

22 Q. Okay. And you didn't pull any footage
23 from those cameras?

24 A. No. Because all those look -- they don't
25 see anything out in the booking area. All they do is

1 look like into a corridor. I mean, just that little
2 space that's right in there. That's all those two
3 cameras right there look at.

4 Q. Okay. And then next to them you have the
5 detox cells; right?

6 A. Right.

7 Q. Does this symbol in the corner here, it
8 says "CC," does that reflect another camera?

9 A. Those are -- yeah. Each one has their
10 individual cameras for those individual cells.

11 Q. So the cameras in those cells would have a
12 perfect view of everything that goes on inside that
13 cell?

14 MR. HART: Object to form.

15 A. Well, not perfect view. Because all
16 they -- they are in the top of the cell and they're
17 looking -- they're looking down. So at an angle.

18 Q. (By Mr. Cash) Okay.

19 A. So you can't say a perfect view. You just
20 can say they have a view.

21 Q. Is it a very good view?

22 A. Depends on the way the person is --
23 depends on what's in there. What are you trying to
24 look at on the inside? You see what I'm saying?

25 Q. Okay. Do you know if people are put in

1 these cells with these cameras so that -- so that the
2 camera can be used to record them?

3 A. Yes. It's part of the detox, part of the
4 reason why that they're put in there for other detox.
5 So the camera at least gives somewhat of -- because
6 if a person is facing -- where the camera is, the
7 front, there's -- the doors are glassy through doors.
8 So take me, for an example. I'm six-two. If I'm
9 standing more from the center of that cell to this
10 way that I'm standing, you're not going to see what's
11 going on in the front with me.

12 Q. Right. Although if you were at the desk
13 here, you'd have a pretty easy view of the front?

14 A. Yeah. Depending -- yeah, it all depends
15 if someone's on this portion of the desk, yes.

16 Q. All right. This Exhibit J3, have you ever
17 seen this in this format before?

18 A. Not in -- I have seen it in the
19 construction -- not construction. The flyer -- the
20 fire evacuation plan.

21 Q. Okay. You're not the person who pulled
22 this map in order to produce in this case?

23 A. No.

24 Q. Okay.

25 A. Not that I know of.

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1 Q. All right.

2 A. Actually, the way I normally look at that
3 area is through the screenshot pictures for the
4 control panels.

5 Q. You mean the views from the cameras
6 themselves?

7 A. Huh-uh. No.

8 Q. What do you mean?

9 A. Control panel view. Each area --

10 Q. Help me out.

11 A. Each area has a control panel and a
12 control panel maps out that area. So that is how you
13 can -- that's how I see, normally see the layout of
14 every area is from a control panel view.

15 Q. And you're saying not on the blueprints
16 like this?

17 A. No, not on the blueprints like that.

18 (Plaintiff's Exhibits J1-A and J3 were
19 marked for identification.)

20 Q. (By Mr. Cash) I just want the record to
21 show that I updated the exhibits because so that --
22 it says J3 Hill and J1-A Hill just so -- because
23 she's got markings on them and I want these to be
24 distinct from the other joint exhibits.

25 All right. Now, just so we're clear,

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1 although the detox cells have cameras in them --

2 A. Uh-huh.

3 Q. -- the cells, the female holding cells
4 where Mathew was ultimately taken, they do not have
5 cameras in them, do the?

6 A. No. Well, back then they did not.

7 Q. Do they now?

8 A. Yes.

9 Q. When did that happen?

10 A. I can't give an exact date, but it's --
11 can't give an exact date on it, but they have them
12 now.

13 Q. Was that in the last year?

14 A. Maybe a few -- at one point maybe a couple
15 in the last year. Some of it prior to that.

16 Q. Why were cameras added to these female
17 holding cells?

18 A. I don't have an answer to that. They were
19 reformatted and fitted. Two were made into padded
20 cells and the other two are observation cells.
21 So . . .

22 Q. So which ones have the cameras?

23 A. All four.

24 Q. Okay. But it was after Mathew Ajibade
25 died in one of those cells that the cameras were

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1 added?

2 A. Uh-huh.

3 Q. How'd you find out about it?

4 A. About what?

5 Q. The cameras being added.

6 A. The cameras being added? It was put out
7 that they were going to make them into observation
8 cells. Well, padded and observation cells.

9 Q. So just common knowledge?

10 A. Uh-huh. And they came up with a procedure
11 on how -- what type inmates would go in those cells
12 and under what conditions would they go into those
13 cells, that they be used.

14 Q. And what are those procedures?

15 A. In the padded cell, those cells would
16 be -- are used for inmates who exhibit that they're
17 going to commit self-harm. We've had incidents where
18 we had inmates who have tried to beat their heads on
19 the cell or seriously try to injure themselves in a
20 regular normal cell. So they will actually be put
21 into a padded cell. Not to say that they can't
22 injure themselves in it, but likely it reduces the
23 risk of them harming themselves in a padded cell.

24 The observation cells, those are the cells
25 up there. They're used for observing those inmates.

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1 If the detox cells were to get full or our suicide
2 prevention cells were to get full, then those are
3 like our backup to those cells.

4 Q. Knowing what you know about Mathew, would
5 Mathew, if you had had those cells at the time Mathew
6 was in the jail, would Mathew have qualified to go
7 into any of those cells?

8 A. I can't --

9 MR. HART: I'm going to object to the form
10 because you prefaced it with what he knows.
11 That means he knows something.

12 MR. CASH: Every question will presume the
13 witness knows something.

14 MR. HART: You can answer the question.

15 THE WITNESS: Oh, okay.

16 MR. HART: You want to reask the question
17 for him?

18 A. Well, the answer to that question is I
19 can't give you an answer because I don't know the
20 behavior of Mathew Ajibade when he came in. I don't
21 know any of that. You know, I actually can count the
22 number of times that I've actually seen some of the
23 video of that. And I just stayed -- tried to
24 separate myself from the entire incident as far as
25 looking at the video and making any judgment on his

1 demeanor or anything like that when he came in.

2 So I'm not qualified to say that he
3 would -- and just, you know, for the record,
4 individuals who go in those cells, they're seen by a
5 licensed professional counselor, mental health, who
6 would evaluate those individuals whenever -- if they
7 were here or as soon as they came in to see if that
8 was an appropriate place for them to be at. In the
9 way that we use them now.

10 Q. (By Mr. Cash) Okay. Well, I appreciate
11 that.

12 A. Uh-huh.

13 Q. Let's switch to the Taser videos now.

14 A. Okay.

15 Q. First I want to just put some logs in
16 front of you, see if I can't find the best set of
17 logs to work with here. Just hang onto that. Let me
18 get you the next one. I've got another copy for you.
19 I'm sorry. Actually, I don't.

20 MR. HART: That's okay. I can get close
21 enough to anything.

22 MR. CASH: I do have another copy of this
23 one. I have three different versions. I'm
24 going to see which one is the easiest to use and
25 I'm going to ask you about it.

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1 THE WITNESS: Okay.

2 MR. HART: Do you know what you're looking
3 at?

4 THE WITNESS: Uh-huh. Yeah, I know what
5 I'm looking at.

6 MR. HART: Good.

7 (Plaintiff's Exhibit 97 was marked for
8 identification.)

9 Q. (By Mr. Cash) Okay. Captain, just to
10 identify all these for the record here, I have put in
11 front of you P-97, which is a four-page document that
12 starts with PA965 and goes through to 968.

13 A. Uh-huh.

14 (Plaintiff's Exhibit 11C was marked for
15 identification.)

16 Q. (By Mr. Cash) I have put in front of you
17 P-11C, which is PA1282 and 83. It's a two-page
18 document. And this is a version that is attached to
19 Nicole Meyers's IA report.

20 A. Uh-huh.

21 Q. And then I have another copy of the same
22 thing, but it's -- I think it's easier to read and
23 it's harder to read. It's just a different scan.
24 You can see that the text, the colors are a little
25 different.

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1 But you've had a chance to look at all
2 three of these?

3 MR. HART: This and this is the same?

4 MR. CASH: It should be. It's just
5 that --

6 MR. HART: Got different line colors.

7 MR. CASH: Because the blue highlighting
8 didn't come across whoever made the copies. I
9 think this is the easier one to read mostly, but
10 it's up to you. You can use either one.

11 THE WITNESS: Okay.

12 Q. (By Mr. Cash) You've seen these three
13 documents in front of you?

14 A. Right. I've seen them before.

15 Q. Okay. So the first thing I want you to do
16 is tell me what is this one, P-97.

17 A. P-97 is actually the information from the
18 Taser program that you can download the report. One
19 is the report and one is the actual -- for the actual
20 device.

21 Q. Well, let's stick with this one first --

22 A. Okay.

23 Q. -- if we can. I understand that it was
24 part of your job to pull the videos off of the Taser?

25 A. No.

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1 Q. Okay.

2 A. My job was, at that time I was told, like
3 I said on that morning --

4 Q. I'm just talking about the Taser.

5 A. Oh, okay.

6 Q. So I stand corrected.

7 A. Yeah. Yeah.

8 Q. But yesterday the county's attorney told
9 me that you were the person who downloaded the videos
10 off the Taser?

11 A. Right. I was the person who downloaded
12 off the Taser for this incident.

13 Q. For this incident?

14 A. Right.

15 Q. Okay. We're back on track.

16 A. All right.

17 Q. All right. But you don't -- and all I
18 care about for these questions --

19 A. Yeah.

20 Q. -- is having to do with Mathew's incident.

21 A. Okay. That's fine.

22 Q. All right. So when did you do that?

23 A. That -- the Taser -- was it the same day
24 or the next day? I'm not sure if it was the same day
25 or the next day, but -- was it in between time trying

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1 to get the video or not? I'm not sure, but it was in
2 that same two-day time frame --

3 Q. Okay.

4 A. -- of when I gave them, the GBI, that
5 video or that -- the day prior or the day I gave them
6 the video, in that time frame of those two days is
7 when I downloaded the Taser.

8 Q. You're saying on January 2nd or January
9 3rd --

10 A. Uh-huh.

11 Q. -- you connected the Taser to a computer
12 and pulled the videos?

13 A. Right. Right.

14 Q. And you produced those to the GBI?

15 A. Along with -- I think along with these
16 printed reports, also. Yeah. I did the video and
17 print these copies of these printed reports.

18 Q. Well, so this is one thing that I was
19 curious about is our exhibit, P-97, says this report
20 was created on January 6th.

21 A. Uh-huh.

22 Q. So is that the date that you provided the
23 videos to GBI?

24 A. Don't know. The report -- anyone could
25 have pulled it from the -- did they have this, the

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1 program? What date was this one pulled?

2 Q. Let's stick to this one.

3 A. Okay. All right. Because this is the one
4 I know we made copies of with the video. And the
5 Taser, I want to say it was given to the GBI.

6 Q. The whole Taser?

7 A. After I finished pulling the video, it was
8 given to the command staff. So I don't know what
9 they did with it after that. But I thought GBI got
10 the Taser also.

11 Q. Okay. Just to be clear, you're saying --

12 A. Yeah.

13 Q. -- the video was given to the command
14 staff and you're not sure what happened to the Taser
15 itself?

16 A. Right.

17 Q. Is that right?

18 A. Right.

19 Q. Okay. All right. I went through this
20 report and it looks like Mr. Ajibade's incident, it
21 looks like probably starts here on line 14 --

22 A. Uh-huh.

23 Q. -- at 2336 --

24 A. Uh-huh.

25 Q. -- on that night. Because the next

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1 earliest one is 11:00 in the morning. Do you recall
2 that this is the first Taser incident, line 14?

3 A. When I did the one I did, it was -- I
4 printed out that.

5 Q. All right. We'll jump to that one then.
6 We'll put P-97 aside.

7 A. Okay.

8 Q. Well look at the one that's attached to
9 Nicole Meyers's report.

10 A. Okay.

11 Q. Because I do think you like this one
12 better. This is PA1282.

13 A. All right.

14 Q. So what is this?

15 A. This is the report that when you plug that
16 Taser into the computer program --

17 Q. Yeah.

18 A. -- that specific Taser, you can get
19 different versions of the report.

20 Q. Okay.

21 A. So when it did the video, pulling the
22 video, it shows -- outlines this was the block of
23 time. As you can see, the start from here on down to
24 here. And it even shows when it was connected and
25 the day it was connected.

1 So, actually, that's when I pulled the
2 video. USB connected right there. So that's when I
3 connected at -- that Taser was connected to the
4 computer at 8:37 on January the 2nd.

5 Q. Okay. And you're relying on sequence No.
6 450 --

7 A. That's right.

8 Q. -- on page 1283?

9 A. That's right. Because nobody else would
10 have had -- would have had access to that Taser or to
11 plug it into the computer unless you were doing --
12 about to conduct a download. So that's the USB
13 connected right there for the -- to download the
14 video off that Taser.

15 Q. Okay. And that means that if P-97 shows
16 the date was January 6th, this just must have
17 happened later?

18 A. Yeah, that happened later.

19 Q. All right. Fine. When you did the
20 download --

21 A. Uh-huh.

22 Q. -- did you actually print this report
23 out --

24 A. Uh-huh.

25 Q. -- and hand this to GBI, too?

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1 A. Uh-huh. They should have got a copy --
2 well, I gave it to the command staff.

3 Q. To give to GBI?

4 A. Right.

5 Q. I want to ask you about some of these
6 markings and this handwriting.

7 A. Okay.

8 Q. Some of these rows are blue and some of
9 them are yellow. Did you make these marks?

10 A. No.

11 Q. Down on the side here, I believe it says
12 no contact, no contact, contact, contact.

13 A. It wasn't me.

14 Q. That's not your handwriting?

15 A. It must have been someone after I gave it
16 to them, forwarded it up to them.

17 Q. Down here where it says, "Kenny, Kenny,
18 Kenny, Kenny," you didn't write that?

19 A. No.

20 Q. You just gave them a clean report?

21 A. A clean report.

22 Q. Whose marks are these?

23 A. I do not know.

24 Q. Did you write this top part?

25 A. No.

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1 Q. Okay.

2 A. When I sent it forward, that's what I say,
3 I didn't -- it was strictly information they got from
4 me, a clean report and everything. And like I said,
5 that shows you what time I did the Taser.

6 Q. Okay. I may have a question about the
7 particular video.

8 A. Okay.

9 MR. HART: Can I look at this?

10 MR. CASH: Sure.

11 A. Actually, somebody else, according to this
12 right here, connected it to a USB at 7, 8:00 that
13 night. Yeah. Okay.

14 Q. (By Mr. Cash) Okay. You're referring to
15 line 455?

16 A. Uh-huh.

17 Q. Okay. All right. Let me ask you some of
18 the same questions about the Taser video.

19 A. Okay.

20 Q. When you pull the Taser videos, is there a
21 centralized place where these videos are stored?

22 A. On this incident right here, it was
23 pulled. A copy was made. It was downloaded to the
24 local computer. A copy was made. It was sent forth.

25 Q. With future incidents or with all

1 incidents, is there a place where videos are kept?

2 A. Yeah. There is actually a -- I don't know
3 what they call it -- evidence.com. Now -- or it may
4 have been -- I don't know if it was then or now --
5 but evidence.com, they can store them there.

6 Q. Is that a Web site?

7 A. Uh-huh. I think it's on the Taser where
8 the videos are -- you have to talk to one of the IT
9 people who deal with it, or one of the Taser
10 instructors to get more information on it. But
11 that's where they were going. At this time I don't
12 know. At this time what they were -- at this time --

13 Q. Let me ask you about policies.

14 A. Uh-huh.

15 Q. Is there a policy that says every Taser
16 video is copied off and saved for a period or
17 forever?

18 A. I don't --

19 Q. You're not aware of any policy?

20 A. Yeah. I'm going back to that time.

21 Q. Okay. Is that answer different if you
22 look at today? Do you have a policy on that now?

23 A. Well, we don't -- we don't use -- we
24 haven't used a Taser since this -- not too long after
25 this incident. So we haven't used a Taser.

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1 Q. When was the last time the jail had the
2 Taser used?

3 A. That's a good question. It's been quite
4 awhile. Since -- this happened, what, '15?

5 Q. January '15.

6 A. I'm just estimating. I'm going to say
7 sometime in '15.

8 Q. In 2015, the sheriff pulled all the Tasers
9 out of the jail?

10 A. I'm not exactly sure, but I want to say --
11 it wasn't the sheriff. It was the chief deputy who
12 was acting in, I think, in the auspice of the
13 sheriff.

14 Q. All right.

15 A. I remember when he had them pulled because
16 he had me go around and pull them all. I just can't
17 remember what month and time that we pulled them, but
18 I know we haven't used Tasers in the jail in quite
19 awhile. We haven't had them in a while. So I know
20 it's been over a year. Since I've been a captain a
21 year, we haven't had the Tasers.

22 Q. Do you know what the reason was?

23 A. I don't exactly know if that was a command
24 staff decision. That's all I can tell you on that
25 and a directive to go collect the Tasers. So . . .

1 Q. Who issued that directive?

2 A. Roy Harris.

3 Q. Okay. Well, prior to that time, prior to
4 the time the Tasers were collected by you, was there
5 a policy to store the videos that were downloaded off
6 of Tasers?

7 A. I'm not sure. What would have been a
8 function of -- at that time, it would have been a
9 function of the security captain or a captain or
10 above. So I wouldn't know the specifics of their job
11 at that time being I was either a sergeant or a
12 corporal. You know what I mean?

13 Q. Right. I think we agreed you might have
14 been a lieutenant at this time?

15 A. Yeah. Well, possibly a lieutenant at the
16 time. Yeah. So . . .

17 Q. Okay.

18 A. But it would have been something above --
19 unless specifically given a directive to store it,
20 you mean? Like on this case right here, it was a
21 specific directive, hey, I need you to go down.

22 Q. I've seen documents that suggest that
23 there was a department-wide review of all Taser
24 videos that was done in May of 2015.

25 A. Okay.

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1 Q. Do you know about that?

2 A. That was done by IA? Yeah. And I think
3 enforcement. Well, IA -- enforcement did it.
4 Between IA and enforcement, they went there you and
5 reviewed all the Tasers, yeah. So around that,
6 that's probably when it -- they were taken, I guess.

7 Q. Were you part of that review?

8 A. No.

9 Q. When they made the decision to review all
10 the Taser videos that were available, where were
11 those Taser videos located?

12 A. Still in the Tasers.

13 Q. You don't think some of them had been
14 pulled off like you did in this instance?

15 A. Don't know, you know. They were all
16 collected, downloaded, but we wasn't privy to, you
17 know, what was seen, what was done with what, what
18 was pulled, no.

19 As a matter of fact, I don't even know how
20 long we had had them prior to that because we
21 actually had another device prior to that. So Karbon
22 Arms. And, you know, they went out of business and
23 everything, so . . .

24 Q. All right. Let me do a little business
25 with the exhibits to help me with anything.

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1 A. Uh-huh.

2 Q. I think I'm done with that.

3 A. Oh.

4 Q. All right. I'm going to put a cleaner
5 sticker on a cleaner copy and get rid of the old one.
6 So this is not an exhibit.

7 MR. HART: Can I have the old ones.

8 MR. CASH: You sure can.

9 (Plaintiff's Exhibit 3 was marked for
10 identification.)

11 Q. (By Mr. Cash) All right. Captain Hill, I
12 want to just briefly show you your training records
13 that were provided to me. This is Exhibit Hill 3.
14 And I want to tell you that this is not a complete
15 list of all the training that I have received for
16 you.

17 A. Oh, okay.

18 Q. And mainly I'm just showing this to you to
19 get you to review it and tell me that you think it's
20 an accurate copy of your trainings. I can explain
21 it. It's two pieces.

22 A. Uh-huh.

23 Q. First of all, does this look like your
24 training records?

25 A. Yeah. It looks like a copy from my POST,

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1 yeah.

2 Q. Okay. POST is Peace Officer Standard
3 Training?

4 A. Yes.

5 Q. All right. Just generally, looking at it,
6 do these look like the courses you've taken and the
7 dates you've taken them?

8 A. Yes.

9 Q. Okay. All right. You may not use that
10 again. I just wanted to get it marked for the
11 record.

12 A. Oh, okay.

13 Q. Okay. I want to ask you some questions
14 now about the policy on Taser use as it existed on
15 January 1st, 2015.

16 A. Okay.

17 Q. When Mr. Ajibade came into the facility,
18 what was the policy authorizing deputies to use the
19 Taser?

20 A. Policy authorizing them to use the Taser?

21 Q. Right.

22 A. That was back on the 15th. I mean, '15.
23 I want to say -- I'm not going to be really give you
24 a clear answer on that right now because like so many
25 things came out, changed even after that time frame,

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1 around that time frame to just, you know, just say
2 this was the actual policy at the time of this --
3 that incident. I'm not going to be able to just, you
4 know, give you that, you know, that definite.

5 Q. Well, you're Taser certified; right?

6 A. Not now, no.

7 Q. You were in January of 2015? You were
8 authorized to use the Taser; right?

9 A. Yeah, right. Right.

10 Q. And you were trained on using the Taser;
11 right?

12 A. Right. Right.

13 Q. So, surely, there was a policy that told
14 you when you could and could not use a Taser?

15 A. Right.

16 Q. Right?

17 A. Well --

18 Q. And you --

19 MR. HART: Can he finish his answer?

20 MR. CASH: Sure.

21 A. There were procedures. There were general
22 policies. I can go into the training. I can go into
23 that. That's what I'm saying. Are you looking for
24 the general training that we had or the procedures
25 or --

1 Q. Well, I don't make a distinction between
2 policy and procedures.

3 A. Oh, okay.

4 Q. Let me try to ask it in a clearer way.

5 A. Okay.

6 Q. What were the circumstances in January of
7 2015 under which a deputy was allowed to use a Taser
8 in the detention center?

9 A. Circumstances. All right. Basically you
10 use the look at the totality of the circumstances of
11 the actual incident, i.e., if any officers or staff
12 are in danger. That -- that is -- that was a
13 determining factor.

14 Q. And that would permit the use of the
15 Taser?

16 A. That would permit, depending on, like I
17 said, totality of the circumstances. If an officer
18 was in danger of being -- of bodily harm or injury,
19 that would -- there were some core general things you
20 have to consider from the training, i.e., if the
21 person was pregnant, if the person after being tased
22 would sustain a great bodily injury from falling,
23 from an elevated position or something like that.

24 It really -- really, when you look at the
25 totality of the circumstances, like I said, of those

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1 circumstances being the opportunity, ability, the
2 jeopardy of that detainee of being able to do harm to
3 someone. I mean, you know, what a reasonable officer
4 would use or do in that situation, you know.

5 Q. Were there any clear cut scenarios where
6 you were absolutely not permitted to use a Taser? I
7 think pregnant is one.

8 A. Yeah. Pregnant. You were told it
9 wouldn't be wise to use it if water was at play. You
10 know, if there was a lot of water around.

11 Q. But was that a clear cut reason not to use
12 it?

13 A. No.

14 Q. That's what I'm asking you.

15 A. You're talking clear cut? I know about
16 pregnant. What's another clear cut reason? I can't
17 really say. That's real clear cut right off the top
18 of my head right now.

19 Q. Okay. The only clear cut case where Taser
20 use was absolutely forbidden was if the detainee was
21 pregnant?

22 A. No. I'm not saying that was the only.

23 Q. Okay.

24 A. I'm going to say the totality of the
25 circumstances dictated what would come into play.

1 You know what I mean? A person had to evaluate what
2 was happening right then right now because -- and I
3 can -- you know, and I can go into this because I
4 know this has been one that, I think, everyone's
5 arguing because it came out during that time, the
6 person was in restraints.

7 Well, there have been incidents where
8 people in restraints can put people in great bodily
9 harm or in harm. And people have been tased in the
10 past in restraints where they were committing -- so
11 that's why I want -- I don't know if that's the
12 clear cut way you're looking, but there's -- the
13 totality of the circumstances dictate because we've
14 had incidents where people have been in full
15 restraints and assaulted staff and knocked staff out.
16 So I'm not -- there was nothing -- the totality of
17 the circumstances would dictate that.

18 Q. Okay.

19 A. Yeah.

20 Q. Well, so, other than being pregnant, there
21 is no or was no absolute bar to using the Taser in
22 January of 2015, not even being in restraints? Being
23 pregnant is the only one that you can say? Is that
24 true?

25 A. To my knowledge right now, and back then,

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1 other than any definite restraints in the training
2 that we got from Taser, restraints on, as far as I'm
3 saying, definites where you couldn't tase someone, if
4 Taser didn't have it and if it wasn't -- you look to
5 the totality of the circumstances.

6 Q. Okay. Would officer's discretion play a
7 role?

8 A. I won't say discretion. I'll say totality
9 of the circumstances. The officer has to assess the
10 threat level, the danger level to themselves and the
11 staff and people who were around them to deem, you
12 know, if it was necessary or if it's necessary.

13 Q. Okay.

14 A. So, yeah. So -- I didn't mean to cut you
15 off. To an extent, discretion, but not really
16 discretion when you have to have those opportunity,
17 ability and jeopardy involved in it.

18 Q. It sounds like the sheriff did not have,
19 in January of 2015, a policy that said you should not
20 use a Taser on someone who is classified as mental
21 health?

22 A. No. I'm not familiar with one, I'll put
23 it this way, if there was one or if there wasn't one.
24 I'm not familiar with that policy or was familiar --
25 let me put it that way -- in 2015 was familiar with

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1 that policy. If there was one or if there wasn't
2 one, I wasn't familiar with it.

3 Q. Okay. Now, you yourself have used the
4 Taser on a person who was restrained; correct?

5 A. Uh-huh. Yes.

6 Q. And what were the circumstances of that?

7 A. The officer was being assaulted by the
8 person who was being restrained. I mean, by the
9 person who was restrained.

10 Q. Was that person in full restraints?

11 A. They were in hand and leg shackles.

12 Q. Okay.

13 A. I was coming into work in housing Unit 2
14 at the time. The all wing officer was running the
15 females hour out. As a matter of fact, she was a
16 mental health female. She was on her hour out. The
17 female detainee lunged towards the officer and
18 started beating the officer in the chest.

19 Seeing that, the Taser was in the hub --
20 hub area. Grabbed the Taser, ran into the wing, and
21 instantly deployed the Taser so that the officer
22 could get away from the detainee. The detainee fell
23 to the floor. The officer stepped away from the
24 detainee, was in shock, of course, because she had
25 been assaulted. Staff arrived. The inmate was

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1 checked, cleared by medical. Put the inmate up. The
2 officer was also checked and cleared by medical. But
3 the officer was in, like I said, immediate danger
4 because the inmate was assaulting the officer, yes.

5 Q. Did you get permission to use the Taser
6 before you did it?

7 A. No.

8 Q. Okay.

9 A. No.

10 Q. Did the officer suffer any injuries in
11 that incident?

12 A. The officer, I think, more of the shock of
13 the inmate actually hitting because she was actually
14 hit with a closed fist, hands in the chest.

15 Q. I assume with the handcuffs on hitting
16 with both fists?

17 A. With both fists and they were loud enough
18 for me to hear the strikes. So, yeah.

19 Q. Okay. Other than being startled by the
20 assault, did the officer suffer any injuries?

21 A. No. No. I mean, nothing where she had to
22 go to the hospital or anything like that. No.

23 Q. Who was the officer?

24 A. The officer was -- oh, Lord, what is her
25 name? I see her face plain as day. I'm trying to

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1 remember her name. Oh, my goodness. I see her face
2 plain as day, but I can't remember what her name is.
3 Oh, goodness. It was -- you got to be kidding me. I
4 can't remember it right now offhand. Yeah. Yeah.
5 If it comes to me, I'll let you know.

6 Q. And we won't tell her that you forgot her
7 name.

8 A. Yeah. Oh, I know it now. Ella Murchison.
9 That's her name.

10 Q. Murchison?

11 A. Ella is her first name. Last name
12 Murchison.

13 Q. Is she still employed?

14 A. Yes, she's still employed with the
15 sheriff's office.

16 Q. Okay. Do you remember who that inmate
17 was?

18 A. I want to say her first name was Emma.
19 No, I can't. I'm not going to guess. I can't quite
20 remember what the inmate's name was.

21 Q. All right. Can you guess as to the month
22 and year this happened?

23 A. I was a corporal. So 2008, '09, somewhere
24 in that time frame. '08 or '09, somewhere in that
25 time frame.

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1 Q. Okay.

2 A. I hadn't been a corporal too long. So
3 whenever I got promoted to corporal, this thing
4 happened very, very long after that.

5 Q. And then a year later you were a
6 corrections officer of the month?

7 A. Yeah. So . . .

8 Q. Okay. Did you write that up, that episode
9 up in a use of force report?

10 A. Yes, I did a use of force and incident
11 report. I had to do an incident report and use of
12 force because a Taser was used and force was used,
13 yeah.

14 Q. Any reason that you know of why that
15 wouldn't be in your personnel file?

16 A. No.

17 Q. I know you don't maintain the file.

18 A. Yeah, right. I don't maintain the file.

19 Q. But there's nothing you can think of that
20 would explain why it wouldn't be in there?

21 A. No. No.

22 Q. Okay. Were you disciplined?

23 A. No.

24 Q. Okay.

25 A. Not even talked to. Oh, yes. Yeah. I

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1 had one supervisor, but that's happened right, you
2 know, during the incident and everything where the
3 watch commander asked why didn't I call in.
4 Basically told us this was an incident where the
5 person was -- officer was being attacked right here
6 in front of me, you know. So, you know, so . . .

7 Q. Okay.

8 A. That was it. Nothing -- nothing else.
9 Heard nothing else afterwards about it.

10 Q. Okay. So even though she had a mental
11 health classification, she was in hand restraints,
12 she was in leg restraints, you still felt it was
13 fully justified to use a Taser because the officer
14 was at risk?

15 A. Well, the officer was being physically
16 assaulted at the time.

17 Q. Right.

18 A. Right.

19 Q. That's your --

20 A. Uh-huh.

21 Q. And you think that complies with the
22 policy that was in effect at that time?

23 A. Well, I don't -- obviously, I don't know
24 because nobody ever came back to me and said I did
25 anything wrong --

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1 Q. Okay.

2 A. -- at that time, which was back in, like I
3 say, it was in '08. And my only options was do I go
4 over there and physically fight this female inmate or
5 do I -- which I, you know, had to look at myself at
6 the time. I was in some kind of a shape back then.
7 So how would it look me going and putting my hands,
8 open or closed fist, even though she's assaulting an
9 officer?

10 So that seemed like the better option, you
11 know, to get. And like I said, it was the totality
12 of the circumstances. I had to think fast and get in
13 there and help that officer.

14 Q. Okay. I want to go, I guess, while you're
15 talking about this so much, I want to go to your
16 training records, if I can.

17 A. Uh-huh.

18 Q. And I want to highlight a couple of
19 records for you --

20 A. Okay.

21 Q. -- that I've marked on my copy.

22 A. Okay.

23 Q. I see you going back. This is on page
24 10302.

25 A. Uh-huh.

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1 Q. Going back to March 31st, 2004 --

2 A. Uh-huh.

3 Q. -- I see four hours of Taser electrical
4 device training. This is right when you started your
5 job?

6 A. Right.

7 Q. Were you then authorized to use the Taser
8 after you received this four hours of training?

9 A. Going back to the -- from what I knew back
10 then, because, you know, this is when I'm just coming
11 in new, the lieutenants were the only ones that I
12 ever saw with them. You know what I mean? Or the
13 hub supervisor were the only ones, you know, coming
14 on.

15 When we first got trained when I came on
16 to work, this was basically like a standard or
17 voluntary -- not say voluntary -- yeah, it was
18 voluntary back then training that we -- I mean, you
19 had to go through the training but, I mean, you had
20 to go either -- to be authorized to use it, you had
21 to be tased. So, of course, we had some people who
22 say I'm not going to use it. So I didn't want to be
23 tased.

24 So basically that was the statement. If
25 you ever had to use it, the only way you can use it

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1 if you actually go through the being tased part. And
2 I don't know if that was part of how it was supposed
3 to be trained through Taser back then or not.

4 Q. You got tased in March of 2004?

5 A. Oh, yes, I did.

6 Q. And were you allowed to use the Taser
7 after that, after that class was finished?

8 A. No one ever said I could or couldn't.

9 Q. Okay.

10 A. But I'm not going to say couldn't because
11 there were things put in place. The watch
12 commander -- there was the watch commanders and the
13 lieutenants back in when I first came in, they
14 basically made -- lieutenants, sergeants and above,
15 those were the people -- well, actually, and
16 corporals -- supervisors were basically the only ones
17 who really dealt with the Taser when I first came on.
18 So there were supervisors who dealt with it.

19 Q. Is it fair to say this: You received
20 training in 2004 --

21 A. Uh-huh.

22 Q. -- but you don't know whether you were
23 allowed to use the Taser after the training?

24 A. Mostly the supervisors have the capability
25 of using it.

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1 Q. Okay.

2 A. Because even as a wing officer, if -- if
3 we had a situation, we're called down, we're called,
4 supervisors and the supervisors will respond, whether
5 it be the watch commander told a sergeant that he was
6 authorized to go in there with it or -- you see what
7 I'm saying?

8 Q. A supervisor --

9 A. A supervisor had to -- yeah, to use it,
10 yeah.

11 Q. Okay. I flipped ahead, May 31st, 2007,
12 Taser X26. This is the next Taser class I found in
13 your records after 2004.

14 A. Uh-huh.

15 Q. And then I didn't see another Taser class
16 at all until 2015.

17 A. Uh-huh.

18 Q. Is that right? That you only received two
19 classes, one in '04 and one in '07?

20 A. Actually, I got a -- what did we do
21 another -- I did some training up in West Virginia
22 where I did another Taser-type training in West
23 Virginia. But as far as the department, that was --
24 yeah, that's when we had our initial -- our Taser
25 classes.

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1 Q. Okay. Well, tell me about the West
2 Virginia training just briefly. When did it occur?

3 A. Oh, boy. Taser was putting on a little
4 class and demonstration up there at a mock prison
5 riot.

6 Q. Okay.

7 A. So, yeah. So that's when that occurred up
8 there at the mock prison riot. Taser was doing a --
9 a vendor class to try and get people to purchase them
10 and everything. And I got tased in that one, too.

11 Q. I know about those classes. Do you know
12 about when it was?

13 A. Let's see. I went up there in '09, '10,
14 '11. Oh, man. I don't know which one it was. I
15 don't think it was my first time. It might have been
16 our second time. It was either '10 or '11. 2010 or
17 '11. One of those two years. But that's the last
18 time I did do something with any, you know, any
19 Taser-type training prior to the one in 2015.

20 Q. Right. All right. And I'm going to come
21 back to that one.

22 A. Okay.

23 Q. All right. Let me move on to something
24 else. You were interviewed by the IA after --

25 A. Uh-huh.

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1 Q. -- Mathew died; correct?

2 A. Uh-huh.

3 Q. And this is the Nicole Meyers' report that
4 we have marked P-11A.

5 A. Okay.

6 Q. And I will not make it an official exhibit
7 here because we've marked it so many times.

8 A. Okay.

9 Q. So if you flip to page 18. That's where
10 they talk about you.

11 A. Okay.

12 Q. And I'll have some questions for you.

13 A. All right.

14 Q. I'm going to pretty much walk you through
15 this.

16 A. All right. That's fine.

17 Q. So you see your interview there?

18 A. Uh-huh.

19 Q. First of all, have you seen the Meyers
20 report in its entirety? Have you ever seen this
21 report before?

22 A. I don't think I've ever seen a written
23 copy of this report.

24 Q. Okay. And you also did a handwritten
25 statement --

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1 A. Right.

2 Q. -- which is attached to this report?

3 A. Okay.

4 Q. And this interview was videotaped?

5 A. Right.

6 Q. But you haven't seen their writeup of your
7 video; is that right?

8 A. Yeah.

9 Q. Okay.

10 A. Because they don't give us -- you know,
11 when they do this, they do the interviews, we don't
12 get copies of it unless we go, I think -- I forgot
13 how that works, if we have to do an official request
14 for them to give us a copy of the final report.

15 Q. Okay. I'm going to probably read most of
16 this to you but I want to stop along the way, if
17 that's all right.

18 A. Okay.

19 Q. But here they just say, "We started the
20 interview. We gave you your Garrity warnings." And
21 then they say, "We began the interview by asking him
22 what his Dynamic Cell Extraction Training in Florida
23 consisted of."

24 So I guess I want to stop and ask what did
25 you tell them about this training in Florida?

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1 A. Basically it was through the US C-SOG.
2 The training basically went through the option --
3 basically it covered your options as detention --
4 well, as an officer or correctional officer with
5 different types of -- different types of basic tools,
6 that it went through all the tools that you had that
7 you could use or work with to deal with those
8 situations that -- like situations in a correctional
9 environment with hostile inmates and just different
10 situations.

11 Q. You said US?

12 A. C-SOG.

13 Q. Can you spell that for us?

14 A. US-C -- I'm sorry. US-CSOG.

15 Q. Okay. Thank you. A portion of the
16 training was about the use of a Taser; right?

17 A. Right.

18 Q. So what were the recommendations from the
19 Florida training?

20 A. From the training, their -- and this is
21 what they constantly said, go back to your department
22 and your departmental policies.

23 Q. Okay.

24 A. That's basically No. 1. So they just gave
25 some recommendations, but ultimately, and they said

1 it over and over again, go back to your departmental
2 heads and everything, you go back to your
3 departmental policies and procedures if you are
4 authorized to use Tasers. Because we have people
5 from multiple agencies and every agency didn't allow
6 this or didn't allow that. So there was different
7 training allowed by each agency. I mean, not
8 training, but different guidelines by different
9 agencies.

10 Q. This was a training that the sheriff sent
11 you to?

12 A. Uh-huh.

13 Q. Did you receive credit for attending this
14 training as part of your training records?

15 A. I don't know because it was out of state.
16 So I don't know if Georgia was going to honor it. I
17 think we brought back the paper --

18 Q. Okay.

19 A. -- certificates and turned them into
20 training. So if it didn't end up in there, Georgia
21 might have didn't recognize it. I mean, I don't work
22 at training, so I don't know what they'll take.

23 Q. Okay. Well, did the Florida trainers
24 train you that it would be okay to use the Taser on
25 someone who's fully restrained?

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1 A. My instructor -- I don't even think we
2 even went into that portion. I mean, we were -- like
3 I said, different training, looking at different
4 tools. We didn't even cover anything --

5 Q. You didn't cover what to do if the person
6 is in restraints?

7 A. No.

8 Q. Did you cover what to do if the person has
9 a mental health condition?

10 A. We did some of the things because it
11 varied from agency to agency. So we listened to what
12 other people said their agency said they can do, what
13 they're saying and then what -- you know, he put out
14 some of the guidelines that US C-SOG operated under,
15 like that.

16 Q. Okay. So when you came back, though, you
17 continued to follow the sheriff's policies? You
18 understood it?

19 A. Well, yes. I came back following the
20 specific conferences and I understood. Information
21 was brought back about the training and everything
22 and submitted to the security cabinet. Let them know
23 what we learned, some of the things we may need to
24 look at, and possibly some of the changes we can
25 make. That was pretty much it.

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1 Q. Okay. I want to keep going on with the
2 interview here. It says, "Hill is taught first and
3 foremost a camera should always be present during any
4 use of force incident."

5 A. Uh-huh.

6 Q. That refers to a video camera; right?

7 A. Right. And that was one of the things
8 that I learned at the training in Florida.

9 Q. Was that not a policy that the sheriff
10 had?

11 A. It was a policy for the CERT team, if
12 there was a CERT team activation.

13 Q. Okay.

14 A. But not a -- and if you had time to get
15 one, you know what I mean? To get one, yeah.

16 Q. Let me focus on the events with
17 Mr. Ajibade.

18 A. Okay.

19 Q. After the scuffle occurred, he was put
20 into a restraint chair and wheeled into the female
21 holding cell?

22 A. Uh-huh.

23 Q. And I guess you've seen the tapes where,
24 you know, he's left alone for a period of time and
25 the deputies come back?

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1 A. Uh-huh.

2 Q. Did the deputies have time to get a camera
3 at that point?

4 A. When you're looking at -- what do you mean
5 come back?

6 Q. After they put him in the cell and they
7 re congregated, did they have time to get a video
8 camera and record what they were going to do?

9 A. Was he already in the restraint chair or
10 not in the restraint chair?

11 Q. I believe so.

12 A. So he was already in a restraint chair?

13 Q. Right.

14 A. Well, that's -- at that point why would
15 you need the camera?

16 Q. Okay. Let me ask you this: When the
17 Taser was brought into the cell, wasn't there time to
18 have a camera present with the --

19 A. The camera was present. The Taser has a
20 camera.

21 Q. And you think that's sufficient?

22 A. Well, in a situation right there where you
23 had so much going on so fast and people were running
24 into a situation, and it was all going on like right
25 there, and this wasn't a -- it wasn't something that

1 was preplanned out by the staff to respond to. It
2 wasn't something where they had brought a camera --
3 once they got them on restraints on the floor, the
4 time to go and get one, yes, someone could have been
5 delegated to go get one with the amount of people who
6 came there.

7 But to save time-wise, when that should
8 have occurred, I can't give you that because, you
9 know, that's going to be in the perspective of the
10 people who were there at that time. But there should
11 have been a delegation of someone at some point to
12 get it, especially when they knew when they were
13 going to put him in the chair. Or if the chair was
14 going to be deemed when he had to go into the chair.

15 Q. Let me move on in the interview.

16 A. Okay.

17 Q. They write, "No one in restraints should
18 ever be tased. Once compliance is made, the officer
19 should deescalate. Nothing was taught in Florida
20 training regarding the use of a Taser while a
21 detainee was in restraints."

22 A. Uh-huh.

23 Q. All this is describing the Florida class?

24 A. Uh-huh. Most of it, yeah.

25 Q. Okay. The Florida class harped on

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1 following your own departmental policies?

2 A. Uh-huh.

3 Q. And then it writes: "It was put out in
4 the letter from administration you will not tase an
5 inmate in restraints." What's that talking about?

6 A. That was -- that is, I guess, in an office
7 memo that was put out, I don't know, man, two and
8 some change. Someone put it in an interoffice memo
9 that detainees will not be tased while in the
10 restraints.

11 Q. Do you remember anything about when that
12 was?

13 A. Is that before or after that? I can't
14 remember if that happened after that or before it.

15 Q. Meaning you don't know whether that letter
16 came out before Mathew was killed or after?

17 A. Yeah, right. I can't quite remember if it
18 was before or right after it.

19 Q. All right.

20 A. But I know an interoffice correspondence
21 letter went out stating that.

22 Q. Flip me to the next page, 19.

23 A. Okay.

24 Q. This is referring to you. It says, "When
25 he watched the Taser video footage, he saw Ajibade

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1 rise up once, maybe twice" --

2 MR. HART: I don't mean to interrupt. But
3 can he go ahead and just read the rest of it and
4 then come back and you ask questions?

5 MR. CASH: Yeah. I don't want to take a
6 huge amount of time with all of it. The first
7 paragraph is what I'm asking about.

8 THE WITNESS: Okay. You can go ahead.

9 Q. (By Mr. Cash) Okay. All right. It says
10 you told the investigators that "there were more than
11 enough officers to hold Ajibade down in order to
12 secure him in the chair. Because his hands were
13 never left free, he could not have become
14 assaultive." Correct?

15 A. Uh-huh.

16 Q. Is that what you told the investigators?

17 A. Yeah, that's what I told them at the time
18 of this.

19 Q. Okay. So given the fact that Mr. Ajibade
20 could not assault the officers --

21 A. Well, I'm just --

22 Q. -- do you believe that it would have been
23 appropriate for them to use the Taser since they had
24 the opportunity to just hold him down?

25 MS. MEADOWS: Object to form.

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1 MR. HART: You can go ahead and answer.

2 A. Okay. With this question right here, with
3 what you just asked me, and even with what I said
4 right here, over the past, let's see, year, over the
5 past, I'm going to say year and a half, I've changed
6 on that because I've been involved in several other
7 incidents since then where a detainee has been in the
8 restraint chair and they have been able to assault
9 staff while in the restraint chair, i.e., spitting,
10 i.e. attempting to bite.

11 We've had -- and at this time, yes, I
12 thought that, you know, a person couldn't be --
13 couldn't do serious -- cause serious injury or
14 assault on someone while they were in the restraint
15 chair. But that has since changed because I have
16 personally been in areas since then where we
17 attempted to put people in the chair and these people
18 have been assaultive to include trying to head butt
19 people while in a restraint chair.

20 So I could say at that time when I made
21 this statement didn't think that it couldn't happen,
22 but since then I've been involved in some incidents
23 where I have seen where we have individuals, and
24 there are certain individuals who can be assaultive
25 while in a restraint chair, even with their hands

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1 behind them.

2 Q. Okay. So your current view is that even
3 if someone is restrained, it would still be okay to
4 use the Taser on that person --

5 A. I'm not saying --

6 Q. I've got to finish. I want to ask a clean
7 question and get a clean answer.

8 A. Okay.

9 Q. Because I want to make sure these are
10 clean on both sides.

11 A. Uh-huh.

12 Q. It sounds like to me your current view is
13 if someone is in restraints, they could still assault
14 an officer. And, therefore, your view is that it
15 would be okay to use the Taser in circumstances like
16 that?

17 A. No.

18 Q. Is that true?

19 A. No.

20 Q. Okay.

21 A. Totality of the circumstances.

22 Q. Well, does that permit that some of the
23 time it would be okay to use the Taser on a person
24 who is restrained and attempting to assault an
25 officer?

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1 A. No. I'll give you an example.

2 Q. Okay.

3 A. If I have a detainee who's in the chair,
4 the officer is bending down trying to strap that
5 detainee's lap into the chair, the detainee reaches
6 out and bites and latches onto the side of that
7 officer's face or ear or something like that, the
8 inmate is not responding to pressure points or --
9 pressure points, strikes, at that moment, and you
10 have either pepper spray or a Taser right there to
11 hopefully give you -- what is your option then, you
12 know.

13 Q. So tasing is okay?

14 A. I am not saying tasing is okay. You have
15 to weigh the totality of the circumstances.

16 Q. Is tasing an option in those cases?

17 A. Depends, like I said, on the totality of
18 the circumstances. If they're -- each incident is
19 going to be different. There is no one use of force
20 incident that is going to be the same. And I'm not
21 saying that it's okay to tase someone in a restraint
22 chair. I'm not saying that it is totally never,
23 never, ever, ever, because just like the scenario I
24 just put forth to you. That is going to be a -- that
25 officer making a reasonable choice -- making a choice

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1 based upon their experience and the totality of the
2 circumstances if they're going to take and choose
3 that option versus any other option that may be
4 immediately available for them to protect the person
5 who is right there.

6 Q. But I just want to get this straight. The
7 Taser is a possible option in a circumstance like the
8 one you described?

9 A. Not a full tase. I wouldn't say a full
10 tase, no.

11 Q. You would say a drive stun?

12 A. Yeah. For compliance, for pain
13 compliance.

14 Q. Right. It is okay to drive stun an inmate
15 who is restrained, who is actively attempting to
16 assault an officer?

17 A. No. No. The totality of the
18 circumstances. I will tell you it's the totality.
19 If you've got an officer that is right there that's
20 being aggravatedly assaulted while an inmate is in
21 the restraint chair, officer's being aggravatedly
22 assaulted, I'm sitting there. I'm that -- I'm the
23 inmate. I'm sitting there and I have latched on with
24 my mouth onto an officer's neck, face, arm, anything
25 that's right there. Staff, everyone who's around

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1 have tried other options to get me to unlatch.

2 Let's use the case of a mental health
3 inmate or an inmate that's on drugs, unknown drugs.
4 Flakka, that's a good one right there to use. Or
5 something like flakka where eating flesh would not
6 be -- it's nothing to them to latch onto someone's
7 flesh and pain compliance didn't work. I am not
8 going to right here say I would totally say no Taser
9 should never be used because I'm going to say there
10 are, although may possibly be rare, there are extreme
11 cases where pain compliance may have to be used to
12 get that individual. I'm not saying a full tase, but
13 just a pain compliance of a drive stun may have to be
14 used in certain extreme situations.

15 So I can't give you a definite no because
16 it's going to be dependent on the totality of the
17 circumstances, the ability, opportunity and jeopardy.
18 Those are the guidelines we live -- I mean, we serve
19 by, protect by. And if you have -- so just in that
20 scenario, I would say I can't give you a full -- I
21 know you want a full yes or a full no, but it's an
22 open-ended because the totality of the circumstance.

23 Q. Okay. Well, I appreciate your response.
24 And is that based on the training that you received
25 and is that based on the policies of the sheriff that

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1 were in effect at the time you had access to Tasers?

2 A. Based on the -- yeah. Based on training
3 and experience that had at the time, based on if the
4 totalities met that level, totality of the
5 circumstances met that level at that time, I would
6 not completely just rule out. I'm not saying in this
7 specific case that it warranted it or didn't warrant
8 it. I'm just saying I cannot give an answer totally
9 yes or no.

10 I know when this came out, after doing
11 research, after looking at some of the changes in our
12 society -- because even since this right here, this
13 interview, looking at videos of mental health,
14 flakka, and seeing the difference in the type of
15 individuals you may come across and how aggressive
16 and violent they can become now, you can't just give
17 a full yes or no.

18 Now, whatever policy has, our policy has
19 and dictates, yes, I am going to go by what our
20 policy and procedures are put in front of me.
21 Because anything outside of that, then I would own
22 it. But my opinion, which I can't give you what
23 you're looking for with my opinion. Okay?

24 Q. Well, let me subtract some facts out of
25 your hypothetical.

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1 A. Okay.

2 Q. I appreciate your laying it out.

3 A. Uh-huh.

4 Q. But there's no evidence that Mathew was
5 actually biting onto and latching onto the flesh of
6 any of the deputies in the cell; right?

7 A. I don't know.

8 Q. You've never heard that?

9 A. I don't know what was -- all I seen was
10 the floor and outside of what happened in the cell
11 and a few clips from the Taser video. That's it.

12 Q. Is this still your final conclusion?

13 A. Uh-huh.

14 Q. "Hill went back and forth with his opinion
15 as to whether or not the Taser should have been
16 utilized on Ajibade. Due to there being little or no
17 video footage, he simply was unsure if Kenny's
18 actions were warranted." Is that true? Is that true
19 today?

20 A. That's still true because if you don't
21 have -- even with video, video doesn't always show
22 everything that is transpiring completely in the
23 moment of what's going on. And there's no video in
24 there to give me a full range of what was the
25 aggressiveness. All we have was those short

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1 five-second clips from the Taser video.

2 Q. Right. So if you were to appear in court
3 to testify in this case, you wouldn't say one way or
4 the other whether you thought Kenny's actions were
5 justified?

6 A. No, I won't.

7 Q. Would you have any testimony in favor of
8 or against the actions of any of the other officers?

9 A. It's not my -- it's -- that's an
10 opinionated question. I mean, their actions and
11 their reasons why they did that would be for them to
12 explain when they're on the stand. I can't attest to
13 what they were thinking in their head when this
14 happened, when that happened, when that happened.
15 So . . .

16 Q. Okay. All right. I'm going to show you
17 your --

18 A. Okay.

19 Q. -- handwritten statement.

20 (Plaintiff's Exhibit 4 was marked for
21 identification.)

22 Q. (By Mr. Cash) I'm getting close to getting
23 done, by the way?

24 A. That's fine.

25 Q. I know I told you that I'll try to get you

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1 out of here. This is going to be Exhibit Hill 4.

2 This is marked PA1199 through 1202. All right.

3 MR. HART: Read your statement.

4 Q. (By Mr. Cash) This is the statement that
5 you gave. Is this the statement you gave to the IA
6 investigator?

7 MR. HART: Just read it first.

8 Q. (By Mr. Cash) You can say if this is your
9 signature and this is the date.

10 A. Yeah, that's my signature and date at the
11 bottom.

12 Q. All right. You can take all the time
13 reading it, if you want, but that's the only question
14 I had for you.

15 MR. HART: Yeah. If that's it, that's it.

16 MR. CASH: All right. That's all I wanted
17 was for you to testify that that's your
18 statement. I'm not going to ask you any
19 questions about it.

20 (Plaintiff's Exhibit 5 was marked for
21 identification.)

22 Q. (By Mr. Cash) Okay. So I want to show you
23 a memo from January 9th --

24 A. Uh-huh.

25 Q. -- 2015 that I'll mark as Hill 5. Have

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1 you seen this before?

2 A. Yes.

3 Q. Is this the memo that you were referring
4 to in the Meyers IA interview transcript?

5 A. Yeah.

6 Q. So that's when they said a memo came down
7 saying you shall not tase an inmate in restraints?

8 A. Uh-huh.

9 Q. This is the memo you were talking about?

10 A. Yes. That's what we were referring to in
11 that conversation.

12 Q. And you know this is dated after Mathew
13 died; right?

14 A. Uh-huh.

15 Q. Okay. If you want to take time to read
16 it, that's fine with me.

17 All right. I've got some questions about
18 this one.

19 A. And going -- okay. That's fine. Go
20 ahead.

21 Q. First thing is this says, "This memo
22 supersedes prior memo dated January 9th." And it's
23 also dated January 9th. Were there two memos on this
24 day?

25 A. That's what I'm trying to figure -- I was

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1 reading that when I read it. So I don't know. Did
2 they revise the memo? You're asking the wrong
3 person.

4 Q. Okay.

5 A. Honestly and truly. I don't know what
6 that's referring to right off the top of my head.

7 Q. Okay. Well, it says, "Per departmental
8 policy and procedures, no inmate will be tased while
9 in full restraint arm/leg or after being placed in a
10 restraint chair."

11 A. Okay.

12 Q. Now, that's a clear cut case of you can't
13 use a Taser; right?

14 A. Uh-huh.

15 Q. And in your view, prior to getting this
16 memo, the policy did not include these clear cut
17 rules?

18 A. Not that I -- to my recollection, because
19 I may be wrong, I don't recall where it was at in the
20 policy. And if it was in there, then I must have
21 overlooked it or I just can't recall it right now.

22 Q. Okay. So to the best of your memory, you
23 don't remember there being clear rules saying don't
24 tase in restraints or in the restraint chair before
25 getting this?

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1 A. Right.

2 Q. Okay.

3 A. All I can go by with that is basically,
4 like in my IA interview, you know, when they talked
5 to me in my IA interview about the same incident that
6 I had with the aggressive female, the one who
7 assaulted the officer, which I brought up, hey, I had
8 a situation where someone was in and I stepped in and
9 had to help an officer. And . . .

10 Q. Okay. They also say this: "Any inmate
11 placed in the restraint chair during intake in
12 Receiving and Discharge will be placed in detox cell
13 1, 2 or 6 in the old booking area." Now, is that a
14 new rule?

15 A. At that time I wasn't up at one of the
16 officers who -- I didn't work up in booking prior
17 to -- actually never worked in -- well, afterwards,
18 maybe back in late 2015, I got moved, assigned up to
19 booking. But that would be someone who worked --
20 you'd have to ask someone who worked in booking or
21 R&D area right after they opened it up after
22 construction. You know what I mean? If that was put
23 up.

24 Q. Okay. At the bottom they say, "No officer
25 will routinely carry a Taser in a holster or by any

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1 other means within the facility." Did that happen?

2 A. When?

3 Q. At any time? Did people carry a Taser
4 routinely?

5 A. At one point.

6 Q. When was that?

7 A. Years ago. I can't -- it was years ago in
8 Unit 4.

9 Q. The mental health unit --

10 A. Right. Right.

11 Q. -- that you worked in?

12 A. No. No. I mean, well, back at that time,
13 I wasn't working there. But years ago, you'd have to
14 ask them who actually ran it. But at one point the
15 secondary officer had one because we had had several
16 assaults on staff in there.

17 Q. Okay. So that officer was permitted to
18 carry a Taser in a holster at all times?

19 A. Uh-huh. But that didn't last long. I
20 think they stopped it.

21 Q. Okay.

22 A. After a couple of months.

23 Q. Can you give me any detail when this would
24 have been?

25 A. Between -- wow. I came in in '04. 2008

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1 is -- well, let's say between 2007 and maybe 2010,
2 somewhere like that.

3 Q. Okay. Was it still going on at the time
4 of this memo?

5 A. No.

6 Q. In places in the facility?

7 A. No.

8 Q. Why did they feel the need to put this in
9 all caps in a memo that changed the policy?

10 MR. HART: Object to form.

11 MS. MEADOWS: Same.

12 A. I don't know. I'm not the one who wrote
13 this.

14 Q. (By Mr. Cash) I know that. I know.

15 A. Yeah.

16 Q. Okay. Let me give you this one as well.
17 I'm just going to put these together in the same
18 exhibit. This follows on later, February 9th. It's
19 another memo. It's page 2344 in the sheriff's --
20 have you seen this one?

21 A. Yes.

22 Q. Okay. Major Wilson and Major Middleton
23 write: "All staff are reminded that no
24 Taser-conducted electrical weapon needs to be used
25 when a detainee is in full restraints. Do not drive

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1 stun any detainee while in full restraints."

2 A. Uh-huh.

3 Q. Again, was this a policy change from the
4 policy that was in effect when Mathew was in the
5 facility?

6 A. I mean, I know it's a directive. There
7 was a change. It's a directive. So, basically, I
8 mean, it's a directive saying that you couldn't do
9 it. So under this, like what I had to do with that
10 officer, I would have been in violation under this.
11 So that's all I can say.

12 Q. Okay. The policy changed with these two
13 memos, didn't it?

14 A. I'm not sure if -- these are directives.
15 I don't know if they're policy. They're directives.

16 Q. Okay. It refers here to the direct
17 receipt on January 6. And I know this is a
18 long-shot, but we agreed this was confusing that the
19 January 9th memo referred to a memo dated January
20 9th. Now, I'm curious if you can tell me, did they
21 really mean January 6th or do you remember this
22 January 6th memo?

23 A. Not at all. I couldn't tell you on that
24 right now. Honestly and truly, you'll have to check
25 and see, check with them and see if there was

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1 something.

2 Q. I mean, this doesn't refresh your memory
3 that it was the 6th, the 9th and then February 9th?

4 A. I don't know.

5 Q. It's never been given to us. So I want to
6 ask people that might have seen it.

7 A. Uh-huh.

8 Q. Okay. Captain Hill, to go back, in your
9 training records --

10 A. Uh-huh.

11 Q. -- and this is on page 10188, it shows
12 that on January 13th, 2015 --

13 A. Uh-huh.

14 Q. -- so nine days after the January memo,
15 that you received an hour of a course called Taser
16 Update. And unlike some of these, it was directly
17 provided by the Chatham County Sheriff's Office.

18 A. Uh-huh.

19 Q. One hour.

20 A. Uh-huh.

21 Q. And I have seen in other deputy's files
22 they also received that same one hour of training.
23 Tell me everything you can remember about that
24 training.

25 A. That training -- that training right there

1 was basically talking about -- because basically we
2 got an hour for it, but we didn't complete it.

3 Q. What does that mean?

4 A. I mean, basically the information that the
5 instructor got from the Taser company wasn't --
6 wasn't basically with what we had and basically the
7 information we got from Taser and the information
8 that was in our policy, there were some conflicting
9 issues. So the class stopped after an hour and we
10 had -- they had to have a discussion. So . . .

11 Q. I'm sorry. In the class it was discovered
12 that the policies didn't match Taser International's
13 recommendation?

14 A. Well, no. Taser International actually
15 gave us more freedom, but then our policies were more
16 restrictive. And so like Taser International in the
17 training had where drive stun, where it talked about
18 pain compliance and everything. And we're sitting in
19 the classroom, we're like time out. We just got --
20 when was that one?

21 Q. The January 9th memo?

22 A. There you go.

23 Q. Okay.

24 A. So is this -- y'all got some stuff y'all
25 need to look at with this Taser International and

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1 that January 9th memo. So they made a phone call and
2 they said, yeah, we do need -- and the class
3 wasn't -- that's really supposed to be more than a
4 one-hour class. If you look at any other Taser
5 classes, it went more than an hour.

6 Q. Yeah. So the January 13th class was
7 presented by Taser International?

8 A. No.

9 Q. Who was the leader for the class?

10 A. Our training department.

11 Q. Okay. But you, the deputies, brought to
12 their attention that the training from Taser
13 International was too liberal for the policies that
14 were in effect --

15 A. Uh-huh.

16 Q. -- at Chatham County?

17 A. Uh-huh.

18 Q. Okay. Was this supposed to last longer
19 than an hour?

20 A. Uh-huh.

21 Q. Was it scheduled for more --

22 A. Well, I didn't write the class. I mean,
23 you know, so I know that we left, and when it was
24 discovered that there was some conflict in the
25 issues, that was the end of the class.

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1 Q. Okay. So just so I'm clear, the class
2 completed, but then you were notified --

3 A. No, it wasn't completed.

4 Q. It was aborted in the middle of the class?

5 A. Aborted.

6 Q. Okay. And this was because the deputies
7 themselves pointed out to the --

8 A. I was sitting there. I mean, you know, I
9 was sitting right there.

10 Q. You and your fellow deputies pointed out
11 to the training department this training is
12 incorrect?

13 A. Not -- not to say incorrect. I'm saying
14 that we need -- we needed some clarification. If
15 Taser was saying drive stun is an option and stuff,
16 why are you showing us drive stun as an option if the
17 policy is saying and we got directives that's saying
18 it's not an option. So you're going to confuse
19 people with thinking that they can.

20 So that's why it was stopped. I'm
21 surprised they even put down an hour for it because
22 it wasn't even an hour, actually. It was stopped.
23 And we -- and they was brought to command and the
24 sheriff's attention and everything. And I don't know
25 if it was brought to the sheriff, but I know it was

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1 brought to the training director's attention and
2 everything. And they said huh-uh.

3 Q. Were you confused by the class?

4 A. No. I wasn't confused because I had my
5 memo right there, and I'm looking at it. That's why
6 I could tell you exactly what -- so it was -- so
7 basically what it was saying -- you know, basically
8 what you have in that class, you had supervisors, and
9 supervisors were brought in that class so that we can
10 ensure -- they was given to us, the class, to be
11 given to us so we can look and see if there were
12 any -- while we were going through the class, so that
13 we could all be updated on our Taser training.

14 And when we saw that, it was brought to
15 command staff's attention. And so they said okay.
16 Hold up. We need to go look at this and review this
17 training and all to make sure everything is good.

18 Q. Okay. I think I have one last document I
19 want to ask you about, if you want to power through.

20 A. Uh-huh.

21 Q. Can you tell me the name of the person and
22 all who led the training that was aborted?

23 A. It was -- I want to say Corporal
24 Robertson.

25 MR. HART: Don't guess.

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1 A. I'm not going to guess. I know it was
2 the -- yeah. It was Corporal Robinson. It was
3 Corporal Robinson. Him and with some assistance from
4 Corporal Guthrie. Or Private Guthrie at the time.

5 (Plaintiff's Exhibit 13 was marked for
6 identification.)

7 Q. (By Mr. Cash) Okay. All right. I want to
8 give you an exhibit, which is P-13.

9 A. Uh-huh.

10 Q. Do you recognize this?

11 A. Huh-uh. Nope.

12 Q. Never seen this before? Okay. I'm going
13 to tell you that these are the warnings that were
14 issued by Taser International, and you can see it's
15 bold in the center here. It's says March 15th, 2013.
16 And these are the warnings that were in effect on
17 January 1st and January 2nd when Mathew Ajibade died
18 in the jail. And you've never seen these
19 instructions before; is that right?

20 A. Not sure if this was in the first few
21 slides or that presentation or in that training or
22 not.

23 Q. Okay. Right in the middle here it says,
24 "Read and obey. Do not use or attempt to use any CEW
25 model" -- that means the Taser?

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1 A. Uh-huh.

2 Q. "Unless you have read, understood and are
3 following all current instructions, warnings and
4 relevant Taser training materials before using Taser
5 CEW."

6 A. Uh-huh.

7 Q. But if you had never seen this, then you
8 were not following these instructions; isn't that
9 correct?

10 A. Uh-huh.

11 Q. Let me take you to the black box at the
12 bottom.

13 A. Uh-huh.

14 Q. Cumulative effects.

15 A. Uh-huh.

16 Q. It says right here, "Repeated, prolonged
17 or continuous CEW applications may contribute to
18 cumulative exhaustion, stress, cardiac, physiologic,
19 metabolic, respiratory and associated medical risks
20 which could increase the risk of death or serious
21 injury." Were you aware of that?

22 A. Prior to -- let's see. Let's see. This
23 training right here was done in -- I mean, this came
24 out when? March 15th, 2013. No, not prior to --
25 well, I'm trying to think back. Actually, I was

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1 because I got some -- I got this in the class in
2 US C-SOG.

3 Q. Okay.

4 A. I didn't get this actual form.

5 Q. Right.

6 A. But I got the effects, what could happen
7 if, if the person was tased multiple times. Because
8 we went over that in our class about what was your
9 department policy on how many times you could tase
10 someone or do an activation. So that was one -- that
11 warning was read prior in that class.

12 Q. So you were trained in Florida that
13 repeated use of a Taser could cause this list of
14 physical injuries which could lead to death; is that
15 right?

16 A. Yeah.

17 Q. Was that something that the department,
18 sheriff here trained its people on in its classes?

19 A. You would have to -- because you would
20 have to get with the training department to see what
21 the curriculum, the instructors had.

22 Q. Well, you took --

23 A. I took it -- that's what I'm saying -- in
24 2004. I think the last one was 2007.

25 Q. Yeah.

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1 A. Anything after the one I took in 2007,
2 which this came out in 2013, which I got mine, you
3 know that one, the warning in, what, it was August or
4 September, that I went to it in '14 to that class.
5 But I don't know what they were teaching all of the
6 new hires from '07 to '15.

7 Q. Right.

8 A. You would have to get with training.

9 Q. The sheriff trained you in 2007 and 2010?

10 A. Right.

11 Q. And then not again --

12 A. No, no, no. 2004, 2007.

13 Q. Excuse me. 2004 and 2007. And then not
14 again until 2015 with the class that got aborted?

15 A. Right.

16 Q. So in the 2004 and 2007 classes, were you
17 taught about these dangers from the repeated tasing?

18 A. These dangers didn't come up until 2013 on
19 here; right?

20 Q. Well, is the answer no, the sheriff did
21 not train you that repeated Taser use could hurt
22 someone?

23 A. No, that's not true. Because even back in
24 2004, if you look at the -- you'll have to go into
25 the sheriff -- the sheriff training course, the

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1 outline of what they had in the course for Tasers
2 back then. In our policy -- I won't say it was in
3 our policies -- you know, I'm not going to guess.
4 But you have to review prior policies in the
5 sheriff's office on how many activations it can have.

6 Q. You don't know, though, do you?

7 A. No, I don't know.

8 Q. And you're a CERT team leader?

9 A. No. No, no, no. Not a CERT team leader.
10 There's no CERT team anymore.

11 Q. Okay.

12 A. All right.

13 Q. You were on a CERT team; right?

14 A. I was on a CERT team.

15 Q. Okay.

16 A. And with the CERT team and the training
17 that we received and was -- you know what? End
18 policy. I want to say there was no more than two or
19 three activations. So this warning, this warning, it
20 depends on when it came out in relevance to the
21 policy. You can't -- you can't -- it's like right
22 now, this says 2013.

23 For me, it's different because actually
24 prior to the Ajibade incident, I got exposed to the
25 warning in Florida. I can't speak for Officer A, B,

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1 C, D, E, F, G, when they got exposed to this warning.

2 We're talking about me right here.

3 Q. If Officer Kenny exposed Ajibade to the
4 Taser four separate times --

5 A. Uh-huh.

6 Q. -- he falls within this warning because he
7 administered multiple uses; right?

8 A. But there's --

9 MR. HART: Object to the form.

10 Q. (By Mr. Cash) True?

11 MR. HART: Object to the form.

12 A. There's a question. First of all, how
13 long were all the contacts with the Taser?

14 Q. (By Mr. Cash) Listen. I'm just --

15 MR. HART: Let him finish. You asked it.

16 MR. CASH: I'm just asking you if he was
17 hit four times and if that's multiple hits.
18 That's all I'm asking.

19 A. Now, we're going to -- the question is --
20 it goes into how many times he was hit with the
21 Taser, like you said. But now we're talking how long
22 were the durations of the contacts to Ajibade's skin.

23 MR. CASH: Uh-huh.

24 A. Because as you can see in the video, it
25 wasn't where anybody -- you're talking about when

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1 they -- when a person is drive stunned and it's
2 electric and they can move away from it. So you're
3 talking really about the duration. Even though you
4 have a squeeze and an activation and it says, what,
5 five seconds, it doesn't necessarily mean a person
6 was going through that electrical shock for the
7 entire five seconds. So he was jumping. He was
8 moving around and you could have had where he took
9 half a second with one. Took half a second with the
10 other. Took half a second with the other. And now
11 you're not having a full five seconds. Even though
12 he was struck four different times doesn't mean that
13 he have four, five-second full rides of drive stun.

14 Q. (By Mr. Cash) But Captain Hill, you just
15 don't know?

16 A. I don't know. Right. And no one really
17 actually knows exactly how long that Kenny had the
18 Taser up against his skin.

19 Q. All right. Yeah. The only person who
20 does know is Kenny because Ajibade died; right?

21 A. Right. Right.

22 MR. HART: Ask a question. Don't make a
23 statement.

24 Q. (By Mr. Cash) Stress and pain.

25 A. Okay.

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1 Q. "CEW use, anticipation of use or response
2 to use can cause startled panic, fear, anger, rage,
3 temporary discomfort, pain or strife, which may be
4 injurious or fatal to some people." This is my
5 question to you.

6 A. Uh-huh.

7 Q. Were you ever trained that just bringing a
8 Taser onto the scene, anticipation of use could cause
9 these dangerous physical symptoms and reactions?

10 A. Yeah, because when -- just bringing a
11 Taser onto the scene, we've always been taught that
12 you are -- it's use of force.

13 Q. Just the display of the Taser?

14 A. Just the display, just to bring out and
15 point it at somebody is a use of force. So that's
16 why we would have to write a use of force form, fill
17 out a use of force form. And that's why at the
18 department, we had so many use of force forms to fill
19 out from people who brought a Taser onto the scene
20 because we understood that once you pull it out and
21 you point it, it's a use of force. And people got it
22 misconstrued that pulling it out and pointing it
23 meant that we were using it every time we pulled it
24 out.

25 Now, that I remember being taught in the

1 class.

2 MR. HART: How much longer you got?

3 MR. CASH: Ten minutes or less.

4 Q. (By Mr. Cash) How about this one? "To
5 reduce the risk of injury, 2, avoid sensitive areas.
6 When practicable, avoid intentionally targeting the
7 CEW on sensitive areas of the body," and I'm going to
8 skip this list because it says "groin/genitals."

9 A. Uh-huh.

10 Q. Were you ever trained by the sheriff to
11 avoid using the Taser on someone's groin or genitals?

12 A. Yeah. That was in the class because we
13 had a diagram.

14 Q. Which class?

15 A. Taser class. My 2004 and '07.

16 Q. Okay. And you knew that if you did do
17 that, it could increase the risk of someone's injury?

18 A. Uh-huh. Because they talked about if a
19 prong hit one of the genitals, of course, it's -- it
20 was a dart. You had the barb actually with a firing.
21 And that's why we were given a diagram of what
22 area -- but now there's a difference when you talk
23 about this, when you talk about this in the sense of
24 drive stun or full activation. So this isn't saying
25 which one it is that you just pointed out to me. So

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1 which one --

2 Q. Were you trained that it's okay to drive
3 stun someone in the groin? You just can't shoot them
4 with the barbs or what?

5 A. Now we're talking about what part of the
6 groin are you talking about. Are you talking
7 about --

8 Q. This wording says groin and genitals.

9 A. Right. But, now, it has been -- we're
10 talking -- are you talking the meaty part of the
11 groin or are you talking the actual genitals of the
12 groin?

13 Q. What were you trained? What areas were
14 you trained to avoid and in which month and year?
15 That's what I'm asking.

16 A. Okay. To avoid: The heart, the head, the
17 actual genitals, the fatty -- because just in the
18 diagram where you see on the chart where we looked
19 was the thigh area, the back area. And so you've got
20 to have -- if you're going to say groin, you need to
21 get from Taser are they talking in the groin, the
22 actual genitals, or are they talking the muscle group
23 all in that area because what's the difference from
24 the back of the thigh and the inner thigh.

25 Q. Are you telling me the policy that you --

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1 A. No. I'm telling you -- I'm telling you --

2 Q. Let me ask my question.

3 A. -- the training from Taser.

4 Q. Listen. Let me get it out.

5 A. Okay.

6 Q. I'm trying to wrap this up. Did the
7 sheriff have a clear policy of where not to tase?

8 A. It was Taser's recommendation based upon
9 the diagram that we were trained on in the Taser
10 class.

11 Q. All right. Go to page 5, please.

12 A. Okay. Page 5. All right.

13 Q. Drive stun.

14 A. Yes.

15 Q. Drive stun mode is for pain compliance
16 only. "The use of a hand-held CEW in drive stun mode
17 is painful but generally does not cause
18 incapacitation. Drive stun use may not be effective
19 on emotionally disturbed persons or others who may
20 not respond to pain due to a mind/body disconnect.
21 Avoid using repeated drive stuns on such individuals
22 if compliance is not achieved."

23 Were you trained to avoid using drive stun
24 mode on an emotionally disturbed person by the
25 sheriff?

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1 A. Who makes the determination if they're
2 emotionally disturbed?

3 Q. I'm asking you clearly did the sheriff
4 train you to avoid using drive stun on a person who's
5 emotionally disturbed?

6 A. That will be something you have to get out
7 of the -- the instructors who taught the class
8 training those.

9 Q. What do you remember about that?

10 A. What I remember about that is, like I
11 said -- well, actually, I don't remember, I'm just
12 going to be honest with you, because, like I said,
13 it's in whatever the training tools or that they give
14 and put the class on, that instructor, that's
15 whatever they had in the training tools because --

16 Q. Okay. But listen. I appreciate that's
17 what the tools are, but I'm asking you what you
18 remember about it. So if you don't remember being
19 trained one way or the other about emotionally
20 disturbed persons, that's fine. And you can say
21 that. But I'm trying to get to your knowledge, not
22 what I could ask somebody else.

23 A. Emotionally disturbed, though, that's a
24 very general statement. I mean, one way or another,
25 as an officer or as anyone, how can I determine

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1 what's deemed emotionally disturbed or not

2 emotionally disturbed or person's normal behavior?

3 Q. The person who you tased while she was in
4 restraints --

5 A. Uh-huh.

6 Q. -- you said had a mental health
7 classification?

8 A. Uh-huh.

9 Q. Yet, Taser International says to avoid
10 using the drive stun on a person who's emotionally
11 disturbed.

12 A. Uh-huh.

13 Q. And you weren't disciplined for that
14 incident?

15 A. Huh-uh.

16 Q. Okay. So was the sheriff's policy in
17 conflict with what you've read here from Taser
18 International?

19 A. Actually, you got to go back to find out
20 when was this put out by Taser International.
21 Because if this was put out -- you don't have a
22 time/date of when they put this out. So when my
23 actions took place, according to this right here,
24 this was put out in 2013. My actions took place in
25 2008, 2009. That's, what, four years apart. Apples

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1 and oranges when you're talking all the research and
2 everything that they had after my incidents compared
3 to this right now.

4 So we need to know when Taser put that
5 statement out for me to give a valid answer on that.
6 Now, if they put it out prior to my training in '07
7 or in my training in 2007 or 2004, that's one thing.
8 But if it all came out after that, you know, when I
9 did what I did, even Taser International didn't have
10 that information at that time. And I can't -- and
11 I'm not inclined to know if they had all the
12 information about the mental health at that time.

13 I think a lot -- some of this information
14 probably came out from the situation that we're
15 sitting here right now where Taser International had
16 to start doing some catch-all. Not catch-all, but
17 start separating themselves from some of these issues
18 with their devices.

19 Q. Uh-huh.

20 A. So . . .

21 Q. The devices have issues, don't they?

22 A. Well, yes.

23 MR. CASH: Okay. I have no further
24 questions. 12:38.

25 MS. MEADOWS: Emily, do you have anything?

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1 MS. WARD: No.

2 MR. CASH: All right. I appreciate your
3 time.

4 (Deposition concluded at 12:38 p.m.)

5 (Pursuant to Rule 30(e) of the Federal

6 Rules of Civil Procedure and/or O.C.G.A.

7 9-11-30(e), signature of the witness has been
8 waived.)

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1 CERTIFICATE OF COURT REPORTER

2

3 STATE OF GEORGIA:

4 COUNTY OF CHATHAM:

5

6 I hereby certify that the foregoing
7 transcript was reported as stated in the caption and
8 the questions and answers thereto were reduced to
9 writing by me; that the foregoing 145 pages represent
a true, correct, and complete transcript of the
evidence given on January 18, 2017, by the witness,
LAMILES HILL, who was first duly sworn by me.

10 I certify that I am not disqualified
11 for a relationship of interest under
O.C.G.A. 9-11-28(c); I am a Georgia Certified Court
12 Reporter here as an employee of Gilbert & Jones, Inc.
who was contacted by Golkow Global Litigation
13 Services to provide court reporting services for the
proceedings; I will not be taking these proceedings
14 under any contract that is prohibited by
O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the
Rules and Regulations of the Board; and by the
15 attached disclosure form I confirm that neither I nor
Gilbert & Jones, Inc. are a party to a contract
16 prohibited by O.C.G.A. 15-14-37(a) and (b) or
Article 7.C. of the Rules and Regulations of the
Board.

17

This 22nd day of January, 2017.

18

19

20

21

22

Annette Pacheco, CCR-B-2153

23

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25

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1 DISCLOSURE OF NO CONTRACT

2 I, Debbie Gilbert, do hereby disclose
3 pursuant to Article 10.B of the Rules and Regulations
4 of the Board of Court Reporting of the Judicial
5 Council of Georgia that Gilbert & Jones, Inc. was
6 contacted by Golkow Global Litigation Services to
7 provide court reporting services for these
8 proceedings and there is no contract that is
9 prohibited by O.C.G.A. 15-14-37(a) and (b) or
10 Article 7.C. of the Rules and Regulations of the
11 Board for the taking of these proceedings.

12 There is no contract to provide reporting
13 services between Gilbert & Jones, Inc. or any person
14 with whom Gilbert & Jones, Inc. has a principal and
15 agency relationship nor any attorney at law in this
16 action, party to this action, party having a
17 financial interest in this action, or agent for an
18 attorney at law in this action, party to this action,
19 or party having a financial interest in this action.
20 Any and all financial arrangements beyond our usual
21 and customary rates have been disclosed and offered
22 to all parties.

23 This 22nd day of January, 2017.

24 _____
25 Debbie Gilbert, FIRM
REPRESENTATIVE
Gilbert & Jones, Inc.

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1 DISCLOSURE OF NO CONTRACT

2 I, , do hereby
3 disclose pursuant to Article 10.B of the Rules and
4 Regulations of the Board of Court Reporting of the
5 Judicial Council of Georgia that
6 was contacted by to provide
7 court reporting services for these proceedings and
8 there is no contract that is prohibited by O.C.G.A.
9 15-14-37(a) and (b) or Article 7.C. of the Rules and
10 Regulations of the Board for the taking of these
11 proceedings.

12 There is no contract to provide reporting
13 services between or any person
14 with whom has a principal
15 and agency relationship nor any attorney at law in
16 this action, party to this action, party having a
17 financial interest in this action, or agent for an
18 attorney at law in this action, party to this action,
19 or party having a financial interest in this action.
20 Any and all financial arrangements beyond our usual
21 and customary rates have been disclosed and offered
22 to all parties.

23 This day of , 2017.

24 /s/

25 FIRM REPRESENTATIVE
REFERRING FIRM